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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: FACEBOOK, INC., MDL No. 2843  
CONSUMER USER PROFILE Case No.  
LITIGATION 18-md-02843-VC-JSC

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This document relates to:  
ALL ACTIONS  
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ZOOM DEPOSITION OF FACEBOOK's 30(b)(6)  
CORPORATE REPRESENTATIVE - SIMON CROSS  
(Reported Remotely via Video & Web Videoconference)  
London, England (Deponent's location)  
Monday, June 6, 2022  
Volume III

**REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**

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PAGES 496 - 724

Page 496

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DEPOSITION OF SIMON CROSS, taken on  
behalf of the Plaintiffs, with the deponent located  
in London, England, commencing at  
3:36 p.m., Monday, June 6, 2022, remotely reported  
via Video & Web videoconference before  
REBECCA L. ROMANO, a Certified Shorthand Reporter,  
Certified Court Reporter, Registered Professional  
Reporter.

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John Macdonell, Videographer

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20  
21  
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23  
24  
25

## INDEX

DEPONENT	EXAMINATION
SIMON CROSS	PAGE
VOLUME III	

BY MR. LOESER	508
---------------	-----

## E X H I B I T S

NUMBER		PAGE
--------	--	------

## DESCRIPTION

Exhibit 401	Email dated October 30, 2013	541
-------------	------------------------------	-----

Subject: PS12n Divide and  
Conquor, FB-CA-MDL-00199890;

Exhibit 402	PS12n: Partnerships &	543
-------------	-----------------------	-----

Operations Managing the  
Private Platform,  
FB-CA-MDL-00199891 -  
FB-CA-MDL-00199898;

Exhibit 403	Email dated 5/1/2014 Subject:	581
-------------	-------------------------------	-----

Message Summary,  
META-CA-MDL-0000582988 -  
META-CA-MDL-0000582989;

/////

Page 503



HIGHLY CONFIDENTIAL

1	E X H I B I T S (cont'd)		
2	NUMBER		PAGE
3		DESCRIPTION	
4	Exhibit 404	Email dated 12/18/2018	602
5		Subject: Private API Review,	
6		FB-CA-MDL-02906764;	
7			
8	Exhibit 405	PowerPoint Presentation -	616
9		Reducing Risk from Private	
10		APIs Partnerships,	
11		FB-CA-MDL-02906766 -	
12		FB-CA-MDL-02906770;	
13			
14	Exhibit 406	Email dated march 27, 2019	634
15		Subject: Escalation Deck	
16		Rev, FB-CA-MDL-02088254;	
17			
18	Exhibit 407	WS3.j Escalation - Process	636
19		Proposal, FB-CA-MDL-02088257	
20		- FB-CA-MDL-02088279;	
21			
22			
23			
24			
25	/////		

HIGHLY CONFIDENTIAL

## E X H I B I T S (cont'd)

NUMBER		PAGE
--------	--	------

## DESCRIPTION

Exhibit 408	facebook Newsroom - December 18, 2018 - Let's Clear Up a Few Things About Facebook's Partners, FB-CA-MDL-01789112 - FB-CA-MDL-01789115.	706
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## PREVIOUSLY MARKED EXHIBITS

NUMBER		PAGE
--------	--	------

Exhibit 29		660
------------	--	-----

Exhibit 128		668
-------------	--	-----

Exhibit 400		599
-------------	--	-----

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Page 505

## HIGHLY CONFIDENTIAL

1 London, England; Monday, June 6, 2022

2 3:36 p.m.

3 ---o0o---

4  
5 THE VIDEOGRAPHER: Okay. We're on the 03:00:36  
6 record. It's 3:36 p.m. London time on June 6th,  
7 2022.

8 This is the deposition of Simon Cross,  
9 Volume 3. We're here in the matter of In Re:  
10 Facebook, Inc. Consumer Privacy User Profile 03:19:04  
11 Litigation. I'm John Macdonell, the videographer  
12 with Veritext.

13 Before the reporter swears the witness,  
14 would counsel please identify themselves, beginning  
15 with the noticing party, please. 03:19:16

16 MR. LOESER: Good morning. Derek Loeser  
17 from Keller Rohrbach. With me is Adele Daniel,  
18 also from Keller Rohrbach.

19 MR. SCHWING: This is Austin Schwing from  
20 Gibson, Dunn & Crutcher for the defendant, and I 03:19:33  
21 also have with me Matt Buongiorno, Ian Chen,  
22 Phuntso Wangdra, and Hannah Regan-Smith.

23 MR. MELAMED: Good morning. This is Matt  
24 Melamed from Bleichmar Fonti & Auld for plaintiffs.  
25 With me are Anne Davis and Josh Samra. 03:19:52

Page 506

## HIGHLY CONFIDENTIAL

1 MR. LOESER: And also with me from 03:19:56  
2 Keller Rohrback is Emma Wright.  
3 SPECIAL MASTER GARRIE: Counsel Weaver is  
4 here as well?  
5 MS. WEAVER: Yes. 03:20:14  
6 SPECIAL MASTER GARRIE: Okay.  
7 This is Special Master Daniel Garrie.  
8 I'm here on behalf of the Court.  
9 And, Mr. Cross, I will turn my video off  
10 and mute myself. If I turn my video on or unmute 03:20:21  
11 myself, it is because I want to be seen and I have  
12 something to say or to resolve an issue.  
13 That said, I'm going to turn it over to  
14 the court reporter to kick things off and move  
15 things along. 03:20:34  
16 THE COURT REPORTER: If you could raise  
17 your right hand for me, please.  
18 THE DEPONENT: (Complies.)  
19 THE COURT REPORTER: You do solemnly  
20 state, under penalty of perjury, that the testimony 12:04:19  
21 you are about to give in this deposition shall be  
22 the truth, the whole truth and nothing but the  
23 truth?  
24 THE DEPONENT: I do.  
25 ///// 12:04:19

Page 508

HIGHLY CONFIDENTIAL

1 previously described? 03:21:50

2 A. I had some more conversations with --  
3 with our legal team to review the documents, and I  
4 also had conversations with a few additional  
5 Facebook employees to help me prepare. 03:22:03

6 Q. Who were those additional employees?

7 A. I have a conversation with Ali Hendrix.  
8 I had a conversation with -- excuse me -- the  
9 name...

10 With Mark Molaro. 03:22:34

11 And that's, I think, the extent of the  
12 additional conversations, meetings I've had.

13 And then I had some additional  
14 conversations over email with Steven Elia.

15 Q. And what were your conversations with 03:23:01  
16 Ms. Hendrix about?

17 A. We were discussing her work on platform  
18 policy enforcement.

19 Q. And you believe that that related in some  
20 way to friend sharing or whitelisting of friend 03:23:27  
21 sharing on APIs?

22 A. My understanding is it -- it related  
23 to -- some of the topics I've been designated for,  
24 yes.

25 Q. Including those two topics? 03:23:42

Page 509

HIGHLY CONFIDENTIAL

1 A. I think so, yes. 03:23:46

2 Q. And what about Mark Molaro? Who is Mark  
3 Molaro?

4 A. Mark Molaro is a data scientist, as I  
5 understand it, at Meta. 03:23:55

6 Q. And what did you speak with him about?

7 A. We discussed his team's work on  
8 Facebook's efforts to track API usage.

9 Q. And during what time frame were those  
10 updates? 03:24:14

11 A. His team's work is primarily from 20 --  
12 2019 onwards.

13 Q. And Steven Elia, what did you speak with  
14 him about?

15 A. We were discussing when the rest API was 03:24:30  
16 deprecated, I think, and some other whitelisting  
17 details.

18 Q. And you said "the rest API"? What --  
19 what is that API?

20 A. Sorry. The rest API is the API which was 03:24:55  
21 built before the Graph API and continued to exist  
22 for some time.

23 Q. And what were the other whitelisting  
24 details you discussed with Mr. Elia?

25 A. We discussed how the friend permissions 03:25:15

Page 510

## HIGHLY CONFIDENTIAL

1       were finally removed from the Facebook developer       03:25:22  
2       platform.

3           Q.     And what did you learn from Mr. Elia  
4       about that?

5           A.     From Steven, I learned that there was a       03:25:29  
6       change in, I think, 2018 to make the friend  
7       permissions known and usable by -- by any  
8       application.

9           Q.     And did you talk to Mr. Elia about the  
10      other APIs that emit friend data that we discussed       03:25:50  
11     previously in your testimony?

12          A.     I don't recall specifically what -- what  
13      I discussed with Steven, but we -- we discussed  
14      like previous whitelists and capabilities that  
15      existed around friend data.                               03:26:13

16          Q.     Okay.   So did you figure out by talking  
17      to him whether these other APIs that emit friend  
18      data continue to operate, or have they deprecated  
19      as well?

20          A.     Can you let me ask what you mean by       03:26:27  
21      "which APIs that continue to emit friend data"?

22          Q.     Sure.

23                 We talked about a series of APIs that --  
24      that we went through and you identified as also --  
25      having the ability to emit some -- some friend       03:26:43

Page 511



HIGHLY CONFIDENTIAL

1 data. 03:26:46

2 Can you give a list of those APIs are, or  
3 that's -- what I just said is enough to refresh  
4 your recollection about that testimony.

5 The events and pages and groups, all 03:27:02  
6 those APIs.

7 MR. SCHWING: Object to form.

8 THE DEPONENT: Yeah, that's -- that's a  
9 pretty long list of APIs, and we didn't discuss  
10 the -- the full gamut of APIs and their deprecation 03:27:14  
11 timelines.

12 Q. (By Mr. Loeser) So do you know  
13 whether -- these other APIs -- and these are the  
14 ones that didn't have the word "friends" in them.  
15 But nonetheless, as you testified, they did emit 03:27:24  
16 some friend data.

17 Do you know if those are continuing to  
18 operate?

19 MR. SCHWING: Object to form.

20 THE DEPONENT: Can we -- can we be 03:27:34  
21 specific about the APIs we're talking about here?  
22 Because I want to make sure I'm giving you, you  
23 know, an accurate answer.

24 Q. (By Mr. Loeser) Sure. Well, three of  
25 them are events APIs, pages APIs, groups API. I 03:27:43

Page 512

## HIGHLY CONFIDENTIAL

1 think there was taggable friends as well, inevitable 03:27:48

2 friends. We have -- and read stream.

3 A. So -- so relatively large list of APIs.

4 The exact deprecation and removal dates for each of

5 them would be different. And I don't have -- I 03:28:09

6 don't have that to hand.

7 Q. And you don't know offhand whether

8 those -- all or any of those APIs have been

9 deprecated as of today?

10 MR. SCHWING: Compound. 03:28:20

11 THE DEPONENT: Yeah, I mean -- there's,

12 again, lots of APIs there. I -- I do know that in

13 April 2018, the -- the -- the comments and likes

14 edge, as I understand it, was removed from -- from

15 several of those APIs, and the groups and events 03:28:41

16 APIs have since been modified so that they only

17 emit data of people who have authorized the

18 application.

19 Q. (By Mr. Loeser) Okay. And so this is

20 something that if you were to investigate or 03:28:56

21 Facebook were to investigate the details, Facebook

22 could provide an answer as to the extent to which

23 any of these APIs continued to emit friend data and

24 so on today, right?

25 MR. SCHWING: Object to form. 03:29:11

Page 513

## HIGHLY CONFIDENTIAL

1 THE DEPONENT: My understanding is that 03:29:14  
2 today, Facebook has the infrastructure to determine  
3 whether or not which APIs exist and which APIs are  
4 emitting user data and whether or not that user  
5 data is on behalf of the person calling the API. 03:29:31

6 Q. (By Mr. Loeser) Okay. Thank you.

7 And, Mr. Cross, did you add to your notes  
8 for your deposition testimony today?

9 A. I have a -- I have a few pages of  
10 handwritten notes that I took in to help me prepare 03:29:48  
11 and answer the questions that may come up today.

12 Q. Okay. And --

13 MR. LOESER: Counsel, could we have those  
14 notes sent over to us as soon as possible?

15 MR. SCHWING: Yeah. We can -- we can 03:30:01  
16 look into that in a break, if that would work for  
17 you.

18 MR. LOESER: Great. And the sooner we  
19 get them, the better. I mean, ideally we can just  
20 get this all wrapped up today and we don't have to 03:30:09  
21 come back and do that.

22 MR. SCHWING: I understand, yeah. At a  
23 break, we're happy to get those over. I obviously  
24 can't focus on it right this second, but we'll work  
25 on that. 03:30:22

## HIGHLY CONFIDENTIAL

1 MR. LOESER: Okay. Thank you. 03:30:23

2 Q. (By Mr. Loeser) Mr. Cross, you were on  
3 the strategic partnership team at some point in  
4 your career at Facebook; is that right?

5 A. I was on the platform partnerships team, 03:30:33  
6 which is, I think, the name of the team, but the  
7 name of the team may have changed over time.

8 Q. Okay. According to your LinkedIn, from  
9 August 2013 to January 2014, it appears that you  
10 were on the -- something called the "strategic 03:30:49  
11 partner team."

12 Is that accurate or --

13 A. I don't recall the -- the formal name of  
14 the team, but I refer as the platform partnerships  
15 team. It may have been referred to the strategic 03:31:03  
16 partnerships team as well.

17 Q. Okay. And were you at one point a  
18 strategic partner manager?

19 A. I was a partner manager. I think -- I'm  
20 not confident whether or not the word "strategic" 03:31:16  
21 was in my official job title, but I worked on that  
22 team, yes.

23 Q. Sorry. I'm leaning off camera to look at  
24 your résumé.

25 According to your résumé, the title that 03:31:31

Page 515

## HIGHLY CONFIDENTIAL

1 you have is strategic product partnerships. 03:31:32

2 Is that -- does that sound accurate to  
3 you?

4 MR. SCHWING: Object to form.

5 Foundation. 03:31:42

6 THE DEPONENT: If you're asking what my  
7 official title job was -- as per my kind of  
8 contract at Facebook, I can't remember that --  
9 that. This seems to be what's on my LinkedIn.

10 I couldn't tell if that was like my 03:31:56  
11 official Facebook job title at the time.

12 Q. (By Mr. Loeser) Okay. But I assume it's  
13 your practice to accurately record your job titles  
14 on your LinkedIn?

15 A. Generally, yes. The -- as I say, the 03:32:07  
16 team was referred to sometimes as the strategic  
17 partnerships team or the platform partnerships  
18 team.

19 Q. So at the time -- and I'll just use the  
20 terminology in your LinkedIn, understanding your 03:32:20  
21 testimony that you just gave.

22 But at the time that you were on the --  
23 you were a strategic product manager, how many  
24 strategic partners were there at Facebook?

25 A. I don't think there's an official 03:32:40

Page 516

## HIGHLY CONFIDENTIAL

1 definition of "strategic partners" for the -- for 03:32:43  
2 the company. And I don't know how many partners  
3 that the partnership team that I worked on would  
4 have considered managed at the time.

5 Q. And so when you were a strategic partner 03:32:57  
6 manager, what did you believe "strategic partner"  
7 referred to?

8 A. So, again, in my personal capacity when I  
9 worked on that team, my understanding is my job was  
10 to work with companies and app developers that 03:33:12  
11 Facebook had decided to -- to work with or -- or  
12 partner with to build Facebook platform  
13 integrations.

14 Q. And so if you were to define "strategic  
15 partner," that's how would you define it? 03:33:27

16 MR. SCHWING: Objection.

17 THE DEPONENT: Again, in my personal --

18 Sorry. Say again, Austin.

19 MR. SCHWING: Just take what -- you're  
20 faster than I am, Mr. Cross. It's later in the day 03:33:36  
21 for you, so I need some coffee. Just give me a  
22 heartbeat to object.

23 Object to form.

24 THE DEPONENT: So, again, you know, in a  
25 personal capacity, my understanding is that I 03:33:48

HIGHLY CONFIDENTIAL

1 would -- by partner, I would have been working with 03:33:50  
2 company's that the Facebook had decided to work  
3 with more closely to build Facebook platform  
4 integrations of some -- some -- some nature.

5 Q. (By Mr. Loeser) So -- so all of the 03:34:04  
6 strategic partners were partners that had  
7 integrations with Facebook?

8 A. I -- I don't think I can answer that  
9 question. Like I -- I don't know what the --  
10 there's a formal definition of "strategic partner." 03:34:19  
11 It's possible that some had -- most of the ones I  
12 would have worked with would have had integrations  
13 with Facebook in some -- with the Facebook  
14 developer platform in some way.

15 Q. And what are some examples of the 03:34:31  
16 partners that you worked with?

17 A. So Spotify would be -- would be one  
18 example. And then others that I worked with in my  
19 team in this -- in this capacity would have been  
20 things like Mixcloud, SoundCloud, and Giza and -- 03:34:54  
21 and Guardian.

22 Q. And did you work with any strategic  
23 partners that -- in which Facebook did not have  
24 some form of integration?

25 MR. SCHWING: Object to form. 03:35:13

Page 518

## HIGHLY CONFIDENTIAL

1 THE DEPONENT: So when I was a -- when I 03:35:15  
2 was a partner manager, typically I would have been  
3 working with entities that had an integration with  
4 the Facebook developer platform in some way.

5 Q. (By Mr. Loeser) And was there a -- is 03:35:27  
6 there a common understanding at Facebook how  
7 Facebook defines "strategic partner"?

8 A. I don't think there's a common  
9 understanding at Facebook for what the -- what the  
10 definition of the "strategic partner" is. I think 03:35:41  
11 different organizations might define their  
12 partnerships with entities in -- in different ways.  
13 I don't there's a -- a standard definition of -- of  
14 what "strategic partner" means.

15 Q. Is a common denominator of strategic 03:35:58  
16 partners partners that provide value to Facebook?

17 MR. SCHWING: Object to form.

18 THE DEPONENT: Again, I don't think  
19 there's a -- a standard definition of what a  
20 strategic partner is. It's a relatively loose 03:36:13  
21 definition of -- of entities that -- that the  
22 partnerships team would have worked with.

23 Q. (By Mr. Loeser) Are there any strategic  
24 partners that don't provide value to Facebook?

25 MR. SCHWING: Object to form. 03:36:29



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1 THE DEPONENT: Yeah, I don't think 03:36:31  
2 there's a definition of "strategic partner," so  
3 it's -- it's hard to answer that question.

4 Q. (By Mr. Loeser) Well, however you define  
5 it, are there any strategic partners that don't 03:36:38  
6 provide value at Facebook?

7 MR. SCHWING: Same objection.

8 THE DEPONENT: Typically as a -- as a  
9 partner manager, you'd be working with -- with --  
10 with these organizations to build or potentially 03:36:50  
11 build integrations that would be valuable to,  
12 ideally, the partner, to users, and to Facebook.

13 Q. (By Mr. Loeser) So -- what are -- what  
14 are the ways in which a -- a strategic partner  
15 could provide value to Facebook? 03:37:10

16 A. Again, I'm not sure that -- as I  
17 mentioned before, I'm not sure there's a definition  
18 of "strategic partner." So, again, can you ask  
19 that question in -- in a way that's like -- doesn't  
20 require me to rely on a definition which I -- I 03:37:28  
21 don't think is established.

22 Q. You use the term "strategic partner"  
23 sometimes in the course of your employment at  
24 Facebook, right?

25 A. I would have typically referred to 03:37:40

HIGHLY CONFIDENTIAL

1 "partners" and then sometimes "strategic partners." 03:37:41

2 So like -- I may have used those terms, yes.

3 Q. Okay. And so what was your understanding

4 of the term "strategic partner" if it's different

5 than what you already testified? 03:37:59

6 A. So my -- my understanding --

7 THE DEPONENT: Sorry. Say again, Austin.

8 MR. SCHWING: Asked and answered.

9 Go ahead.

10 THE DEPONENT: Yeah, so my understanding 03:38:06

11 of -- of -- of "strategic partner" would be an

12 entity, an organization that Facebook has partnered

13 with or was considering partnering with to build

14 some form of integration with the Facebook

15 developer platform. 03:38:21

16 Q. (By Mr. Loeser) And back to the

17 questions about value, so let's talk about

18 partnerships generally.

19 Partners -- Facebook partners with

20 developers that provide value to Facebook; is that 03:38:36

21 right?

22 A. Typically the partnerships team would be

23 focused on working with entities that provided

24 value to -- to users by building integrations with

25 the Facebook developer platform. 03:38:51

Page 521

## HIGHLY CONFIDENTIAL

1 Q. So you're saying that Facebook doesn't 03:38:53  
2 consider whether the partner provides value to  
3 Facebook other than the value to the users?

4 MR. SCHWING: Misstates testimony.

5 THE DEPONENT: Yeah, that's not what I -- 03:39:01  
6 what I said. Typically when I as working with  
7 partners, we were focused on the value that those  
8 integrations would provide to -- to user.

9 Q. (By Mr. Loeser) And did you not also  
10 consider the value those integrations would provide 03:39:11  
11 to Facebook?

12 A. One of the things that -- that would be  
13 looked at is how this would be used by users and  
14 would those integrations be considered valuable to  
15 users, and the value -- the -- how -- how well they 03:39:29  
16 would be used by users and the implications for  
17 that on the Facebook community.

18 Q. And, again, were there types of value  
19 that Facebook took into account that pertained to  
20 Facebook as opposed to users? Can you think of any 03:39:47  
21 ways that a partnership would provide value  
22 directly to Facebook other than the benefits  
23 received by the users?

24 MR. SCHWING: Vague. Compound.

25 THE DEPONENT: Yeah, so typically an 03:40:03

HIGHLY CONFIDENTIAL

1 integration would allow people, for example, to 03:40:04  
2 post stories back to Facebook, and that would  
3 provide content for newsfeed that could be seen  
4 by -- by their friends. That would be an example  
5 of the value that would be provided. 03:40:19

6 And -- and typically, if there's more  
7 content in newsfeed and there's more interesting  
8 stories for people to see, they might come back to  
9 Facebook more frequently and interact with those  
10 stories, and that might increase visitation. 03:40:31

11 Q. (By Mr. Loeser) Is ad revenue a value  
12 that Facebook received from some partners?

13 MR. SCHWING: Scope.

14 THE DEPONENT: Sorry. Yeah, my -- my --  
15 this is a -- there's a question about the 03:40:48  
16 advertising ecosystem, which is not my area of  
17 expertise. So, you know, that's very -- I'm not  
18 particularly well educated on -- to explain in  
19 detail.

20 What I can say from my personal 03:41:03  
21 experience, though, is that sometimes developers  
22 would want to buy ads to promote their  
23 applications, and that would be considered a form  
24 of -- of value.

25 Q. (By Mr. Loeser) Value for Facebook, 03:41:20

Page 523

HIGHLY CONFIDENTIAL

1 right? 03:41:22

2 A. Well, if -- if a developer is buying ads  
3 to promote their application, it's because they  
4 believe that that's a -- that's a worthwhile thing  
5 to do in terms of growing -- growing an application 03:41:33  
6 and its user base, and in the process of doing  
7 that, Facebook would receive some money for the  
8 ads.

9 Q. And what about user data? Don't some  
10 developers provide Facebook with -- with user data 03:41:44  
11 that is a value to Facebook?

12 MR. SCHWING: Object to form.

13 THE DEPONENT: So they typically --  
14 again, most integrations would allow developers --  
15 would allow users of those applications to share 03:42:01  
16 content back to Facebook, and that would create  
17 stories and newsfeed that could be seen by their  
18 friends or, in the case of Open Graph, which is on  
19 their timeline, which would enrich their Facebook  
20 profile. 03:42:20

21 Q. (By Mr. Loeser) And did the partnership  
22 group also look at potential opportunities for  
23 future relationships with -- with partners as a  
24 form of value for Facebook?

25 MR. SCHWING: Object to form. 03:42:33

Page 524

HIGHLY CONFIDENTIAL

1 THE DEPONENT: Yeah, I'm not sure -- I'm 03:42:34  
2 not sure what -- what you mean by that. Like  
3 future value -- could you give me an example?  
4 Q. (By Mr. Loeser) Well, when you're --  
5 when the partnership group was interacting with a 03:42:42  
6 partner and was -- did the partnership group also  
7 consider whether there was some possibility for  
8 future relationships with that partner that could  
9 be a value to Facebook?  
10 A. I -- it's hard to know what -- what the 03:42:58  
11 partnerships team was considering in its -- in its  
12 various discussions with -- with developers and  
13 partner -- potential partners and potential  
14 partners in the past. So I'm not sure I can give  
15 an accurate answer to that question. 03:43:10  
16 Q. Do you know what an OEM is?  
17 A. My understanding that would mean  
18 "original equipment manufacturer."  
19 Q. Okay. And did -- did Facebook consider a  
20 value to Facebook an OEM preloading the Facebook 03:43:27  
21 app?  
22 A. So I think the partnerships team are  
23 the -- are the -- probably the determiners of what  
24 that -- of what that means. My understanding  
25 from -- from having worked in this area is that 03:43:45

Page 525

## HIGHLY CONFIDENTIAL

1       there was value to users by having the Facebook app       03:43:49  
2       on their device, and so it was easy and accessible  
3       without having to download it separately.

4               MR. LOESER: Let's go off the record.

5               THE VIDEOGRAPHER: Okay. We're off the       03:44:19  
6       record. It's 4:02 p.m.

7               (Recess taken.)

8               THE VIDEOGRAPHER: We're back on the  
9       record. It's 4:12 p.m.

10              Q.     (By Mr. Loeser) Mr. Cross, does Facebook       03:54:13  
11       enter into contracts with -- with some of its  
12       partners?

13              A.     Yes. There would be typically additional  
14       contracts that would have been agreed between  
15       Facebook and those parties to cover a number of       03:54:32  
16       different things.

17              Q.     And what types of partners does Facebook  
18       contract with?

19              A.     Well, you're asking who Facebook  
20       contracts with. Do you mean across the whole gamut       03:54:49  
21       of the company?

22              Q.     No. I mean with regard to the  
23       conversation we're having about the partnership  
24       group and the product managers, the conversation  
25       we're having now?       03:55:04

## HIGHLY CONFIDENTIAL

1 MR. SCHWING: Outside the scope. Vague. 03:55:06

2 THE DEPONENT: Yeah, can you -- just,  
3 again, I'm trying to do my best here and, you know,  
4 give you an accurate answer.

5 So can you be a bit more specific 03:55:19  
6 about -- about the scope of the -- the work that  
7 you're -- you're referencing here?

8 Q. (By Mr. Loeser) Well, when you were in  
9 the partnership group, did you have partners that  
10 you worked with with which Facebook contracted? 03:55:28

11 A. So on a personal level, I don't -- I  
12 don't recall working with that many entities that  
13 had -- we had contract -- that the Facebook had  
14 contracts with when I was manager on the  
15 partnerships team. But -- but, yes, there were -- 03:55:49  
16 there were contracts that I was aware of between  
17 Facebook and some of these partners that covered  
18 their use of the Facebook developer platform.

19 Q. And -- and sometimes did Facebook contain  
20 in those contracts the ability to access APIs on 03:56:09  
21 the partners platform?

22 A. Yeah, it's -- that's possible, but I -- I  
23 don't recall any specific examples from my time on  
24 the partnerships team.

25 But, yeah, across the -- the history of 03:56:34

Page 527



## HIGHLY CONFIDENTIAL

1 the company, it's possible, but I'd be speculating 03:56:36  
2 exactly as to what.

3 Q. Okay. And in the context of the  
4 relationship with partners, what does "reciprocity"  
5 mean? 03:56:52

6 MR. SCHWING: Object to form. Scope.

7 THE DEPONENT: So, again, can you be a  
8 bit more specific about like the -- the -- the  
9 scope we're talking about here? Is it the Facebook  
10 developer platform or -- or partners in general? 03:56:59

11 Q. (By Mr. Loeser) I'm talking about  
12 partners with which Facebook contracts and where  
13 the contract governs the partner's access to the  
14 Facebook platform and Facebook's access to the  
15 partners platform. 03:57:14

16 In that context, is there something that  
17 Facebook refers to as "reciprocity"?

18 MR. SCHWING: Object to form.

19 THE DEPONENT: I've heard the -- the  
20 phrase "reciprocity" used. I'm not sure if it's 03:57:25  
21 codified in any platform policies.

22 My personal understanding of -- of that  
23 term, it generally refers to really about fairness  
24 in sharing data with Facebook, users sharing  
25 stories back to Facebook where apps are also 03:57:48

Page 528

## HIGHLY CONFIDENTIAL

1 reading data from Facebook so as to contribute to 03:57:52  
2 the overall community Graph.

3 Q. (By Mr. Loeser) So when you say  
4 "fairness," you mean Facebook provides access to  
5 information and Facebook believes it's fair for 03:58:00  
6 them, the partner, to provide data back to  
7 Facebook?

8 MR. SCHWING: Vague.

9 THE DEPONENT: I think that's a -- that's  
10 a very broad statement. Let me -- best to give an 03:58:11  
11 example would be useful is if -- developers --  
12 let's take the Open Graph set of APIs that existed  
13 in around 2011, 2012. If apps were reading from  
14 the Open Graph, then it would be considered  
15 reasonable that they would be expected to offer 03:58:45  
16 users the ability to publish their actions in that  
17 app also back to the Graph so that everybody could  
18 benefit.

19 Q. (By Mr. Loeser) And so you keep talking  
20 about the benefits to users, and I'm wondering if 03:58:57  
21 Facebook also identified the benefit to Facebook  
22 specifically that results from reciprocity.

23 A. What -- Sorry.

24 MR. SCHWING: Object to form.

25 Go ahead. You can answer. 03:59:15

HIGHLY CONFIDENTIAL

1 THE DEPONENT: So, again, in the example 03:59:20  
2 of Open Graph stories in terms of reciprocity, then  
3 if users have the ability to share their activity  
4 in an app back with Facebook, then that enriches  
5 the Facebook newsfeed for their friends and creates 03:59:39  
6 additional content for their timeline that might  
7 encourage users to spend more time on Facebook.

8 Q. (By Mr. Loeser) And that's a benefit for  
9 Facebook?

10 A. Typically Facebook wants its user -- we 03:59:54  
11 want our users to find value in using our products,  
12 and spending more time on our products is one way  
13 that they may express that value.

14 Q. Facebook considers the value that a  
15 partner contributes to Facebook when making 04:00:11  
16 decisions about what user data to make available to  
17 that partner, right?

18 MR. SCHWING: Object. Vague.

19 Go ahead.

20 THE DEPONENT: Yeah, it's a very broad 04:00:26  
21 question that's hard to answer. Again, in general,  
22 when Facebook is considering partnering with --  
23 with an entity or working more closely with an  
24 entity, there would be an assessment of the -- the  
25 value that is trying to be created for users, how 04:00:48

Page 530

HIGHLY CONFIDENTIAL

1 that would create value for Facebook, and for the 04:00:53  
2 third-party developer as well.

3 So typically working with these  
4 partnerships requires investments of time and  
5 energy from both sides and, you know, the -- the 04:01:07  
6 amount of resources to -- to do that are not  
7 unlimited, and so there would be some determination  
8 by the partnerships team as to whether or not this  
9 was a -- a partnership worth pursuing.

10 Q. (By Mr. Loeser) And Facebook considered 04:01:24  
11 a partner's value to Facebook when deciding whether  
12 to maintain access to certain data after the  
13 transition to platform 3.0, right?

14 A. Sorry. "Platform 3.0"? Can you be  
15 specific about -- about what you mean? 04:01:42

16 Q. Yeah, I'm sorry. I'm using -- there's a  
17 variety of terms used by Facebook, and "platform  
18 3.0" -- you tell me if I'm wrong -- is one of the  
19 references to the Graph API version 2.0 platform.

20 A. Well, that -- that terminology refers 04:01:57  
21 to -- is one of the code names used for this  
22 general series of work leading up to what became  
23 API version 2 and Login v4 that were launched in  
24 April of 2014.

25 And so could you ask the question again 04:02:14

Page 531

HIGHLY CONFIDENTIAL

1 to make sure I understand. 04:02:20

2 Q. Sure. And with that understanding of  
3 what platform 3.0 means, Facebook considered a  
4 partner's value to Facebook when deciding whether  
5 to maintain access to certain data after the 04:02:31  
6 transition to platform 3.0?

7 A. Well, again, can you -- can you help me  
8 understand what you mean by "certain data"?  
9 Like -- like the specifics matter here, and I want  
10 to get -- make sure I give you an accurate answer. 04:02:47

11 Q. Yeah. There were series of APIs that  
12 were deprecated in the new platform; is that right?

13 A. In version 2 there were a number of APIs  
14 that were deprecated and a number of permissions  
15 that were publicly deprecated, yes. 04:03:01

16 Q. And when deciding whether to continue to  
17 allow partners to have access to those deprecated  
18 permissions, Facebook considered the value that  
19 those partners provided to Facebook, right?

20 MR. SCHWING: The question is vague. 04:03:15

21 THE DEPONENT: Yeah, I mean, it -- can we  
22 talk about which -- which specific partners you're  
23 referring to here and what kind of additional time  
24 periods and access we're talking about?

25 Q. (By Mr. Loeser) I would like you to 04:03:34

Page 532

HIGHLY CONFIDENTIAL

1 answer the question. The question refers to the 04:03:35  
2 transition to the new platform, and it refers to  
3 deprecated permissions, and it refers to whether  
4 Facebook considered the value that partners  
5 provided to Facebook when deciding which of those 04:03:46  
6 partners to grant continued access to those  
7 deprecated functions.

8 So if you could answer the question  
9 whether Facebook took into account the value  
10 partners provided to Facebook when making that 04:03:58  
11 decision, that's all I'm asking.

12 MR. SCHWING: The question is vague.

13 THE DEPONENT: Yeah, so Facebook --  
14 sorry. Master Garrie, I see you here. I -- you  
15 said earlier that means because you want to 04:04:13  
16 intervene and help.

17 I want to give a good answer to -- to  
18 this question, and --

19 SPECIAL MASTER GARRIE: I was going to  
20 just direct you to answer the question the best you 04:04:21  
21 can. So either a "yes," "no," or "I don't  
22 understand the question."

23 MR. SCHWING: Special Master Garrie,  
24 since you're on and we're -- I don't want to  
25 interrupt the questioning here too much, but I do 04:04:32

Page 533

HIGHLY CONFIDENTIAL

1 have a concern that Mr. Loeser is supposed to be 04:04:35  
2 asking questions about topics 6 and 7, which relate  
3 to friend sharing.

4 SPECIAL MASTER GARRIE: Again, so  
5 let's -- 04:04:44

6 MR. SCHWING: And Mr. Melamed is going to  
7 be asking questions about the other topics.

8 I want to ensure that there are not  
9 multiple lawyers who are asking kind of overlapping  
10 questions here today, because I don't believe 04:04:53  
11 that's appropriate under our protocol. So I just  
12 want to make sure we're focused on actual 6 and 7  
13 here before we transition over to Mr. Melamed.

14 SPECIAL MASTER GARRIE: Okay. So one  
15 second. We will address that in a second. 04:05:03

16 But, Mr. Cross, what I was going to  
17 instruct you is so when you're asked a question,  
18 you can answer, "yes," "no," give an explanation or  
19 say "I don't understand the question," but  
20 otherwise, good question/bad question is not a 04:05:18

21 judgment. He's asked the question. You're to do  
22 your best and endeavor your best to answer the  
23 question. And you can say, yes, this is how I  
24 define this; no, this is how I define that, or so  
25 on and so forth and answer the question the best 04:05:32

Page 534

HIGHLY CONFIDENTIAL

1       you can. 04:05:34

2               If you don't understand the question, you  
3       can state "I don't understand the question as  
4       asked" or something to that effect.  Whatever  
5       reflects your current state of mind as you 04:05:40  
6       understand it.  But you do just need to answer the  
7       question the best you can.

8               THE DEPONENT:  Cool.  Thank you,  
9       Special Master Garrie.

10              SPECIAL MASTER GARRIE:  With that 04:05:51  
11       settled, I'll turn it back to Counsel Loeser.  Just  
12       reask the question.

13              Once he finishes this line of  
14       questioning, Counsel Schwing, we will go off the  
15       record and address the other question.  I just 04:05:58  
16       don't want to interrupt Counsel Loeser's flow.  I  
17       just wanted to weigh in and just communicate to the  
18       witness to answer the question the best you can as  
19       a 30(b)(6) corporate representative.

20              And then we will -- once the line of 04:06:13  
21       questioning is done, Counsel Schwing, we will  
22       address your question or your point of concern.

23              Okay?

24              MR. SCHWING:  Thank you, Special Master.

25              SPECIAL MASTER GARRIE:  Of course. 04:06:23

Page 535



## HIGHLY CONFIDENTIAL

1 MR. LOESER: Thank you. 04:06:25

2 Q. (By Mr. Loeser) Mr. Cross, Facebook  
3 considered a partner's value to Facebook in  
4 deciding whether to maintain the partner's access  
5 to deprecated permissions after the transition to 04:06:30  
6 platform 3.0, right?

7 MR. SCHWING: Object to form.

8 THE DEPONENT: So in -- in the  
9 transition, there were a number of integrations  
10 that -- that preexisted that transition, and 04:06:45  
11 Facebook would have determined that they would  
12 continue to exist based on the value to users and  
13 the value that they provided to -- to Facebook and  
14 the partner too.

15 MR. LOESER: Okay. 04:07:06

16 I guess we're going off the record.

17 We can go off the record.

18 THE VIDEOGRAPHER: Okay. Thank you.

19 We're off the record. It's 4:25 p.m.

20 (Recess taken.) 04:09:47

21 THE VIDEOGRAPHER: We're back on the  
22 record. It's 4:29 p.m.

23 Q. (By Mr. Loeser) Mr. Cross, when deciding  
24 whether to provide access to the friend data after  
25 2014 for partners, did Facebook consider the value 04:11:41

HIGHLY CONFIDENTIAL

1 that the partners could provide to Facebook? 04:11:46

2 MR. SCHWING: The question is vague.

3 THE DEPONENT: Yeah, I -- again, I -- I

4 hope -- I just want to make sure I answer this

5 correctly. A whole bunch of things were considered 04:11:59

6 or would have been considered in determining

7 whether or not to -- to allow integration partners

8 to continue to have access to information after the

9 APIs and permissions were more publicly deprecated.

10 There's a whole -- a whole raft of things that 04:12:20

11 would have been -- would have been considered in

12 those determinations: the value to users, how

13 often they were being used, the contractual

14 determinations, if -- if there were any such,

15 and -- and so on. 04:12:39

16 So a wide range of things would have been

17 considered.

18 When you say "value to Facebook," can you

19 help me define what -- what you mean?

20 Q. (By Mr. Loeser) Well, that's what I've 04:12:50

21 been trying to have you testify about, all the ways

22 Facebook understands value.

23 So if you have some understanding of how

24 Facebook defines value that helps you answer that

25 question, go ahead and say what those things are 04:13:02

Page 537

HIGHLY CONFIDENTIAL

1 and then answer the question. 04:13:04

2 A. So, yeah. One of the things that would  
3 have been considered is how often those apps are  
4 being used. So, for example, a device integration  
5 would have a number of people -- would be -- a 04:13:19  
6 number of people would be using it and -- and that  
7 would be considered in -- in the overall assessment  
8 of whether or not the information -- should  
9 continue -- the integration should continue.

10 So there's a -- a wide range of things 04:13:32  
11 that would have been considered, including user  
12 value and various types of value to Facebook.

13 Q. And revenue received by Facebook from  
14 the -- the partner was one of the other things, one  
15 of the other forms of value that Facebook 04:13:46  
16 considered, right?

17 MR. SCHWING: The question is vague.

18 THE DEPONENT: In terms of -- like, I  
19 recall seeing documents which -- which suggest that  
20 the revenue from a company was pulled and, 04:14:00  
21 you know -- assessed in some way. But I -- I do  
22 not recall when, you know, revenue from a partner  
23 was part of the assessment for -- for why  
24 integration would continue.

25 Q. (By Mr. Loeser) And so as Facebook's 04:14:32

Page 538

HIGHLY CONFIDENTIAL

1 corporate designee here, can you testify as to 04:14:36  
2 whether revenue from the partner was considered  
3 when deciding whether to continue allowing a  
4 partner to have access to APIs that emit friend  
5 data? 04:14:48

6 A. Again, I can see --  
7 MR. SCHWING: Sorry.  
8 The question is vague.  
9 Go ahead.

10 THE DEPONENT: Yeah, I -- I recall seeing 04:14:53  
11 documents that were -- where revenue from a partner  
12 is considered as part of the overall assessment,  
13 but I -- I cannot say whether or not revenue was a  
14 determinant in whether or not a partner continued  
15 to have access or not. 04:15:12

16 Q. (By Mr. Loeser) And is there somebody  
17 else --

18 I'm sorry. I thought were finished.

19 A. Sorry -- continued to have access to  
20 publicly deprecated APIs or private APIs. 04:15:25

21 Q. And who at Facebook would definitively  
22 know the answer to that question?

23 MR. SCHWING: The question is vague.

24 THE DEPONENT: I -- I think like the --  
25 the -- I don't think anyone at Facebook would -- 04:15:40

Page 539

HIGHLY CONFIDENTIAL

1 would be able to know whether or not for every 04:15:43  
2 single app, what the decision-making criteria was.  
3 So I'm not sure that's -- that's like fully --  
4 fully knowable.

5 I -- I don't recall -- and again, on a 04:15:58  
6 personal level, I do not recall being in any  
7 conversations where revenue was a determining  
8 factor in -- whether or not an app was continued --  
9 had an app continued to have access to deprecated  
10 permissions. 04:16:15

11 Q. (By Mr. Loeser) Okay. And I didn't ask  
12 you for a person who would know with regard to each  
13 and every partner. I'm just asking you as a  
14 general matter who would be the most knowledgeable  
15 person on Facebook who can answer the question 04:16:23  
16 about the extent to which revenue was taken into  
17 account when deciding to, for example, whitelist  
18 entities so that they could continue to obtain  
19 friend data?

20 A. I think the partnerships leadership team. 04:16:37  
21 The partnership team is probably the people who  
22 have the -- the -- the closest understanding of --  
23 of that. I've spoken to -- to several of those in  
24 preparation for this, and none of them represented  
25 to me that -- that revenue was -- was a driver in 04:16:56

Page 540

HIGHLY CONFIDENTIAL

1 the decision-making. 04:17:00

2 Q. And who did you speak to about that?

3 A. I spoke to Ime Archibong, I spoke to  
4 Eddie O'Neil, and I spoke to Francisco Varela.

5 (Exhibit 401 was marked for 04:17:15  
6 identification by the court reporter and is  
7 attached hereto.)

8 MR. LOESER: Okay. We're going to  
9 introduce an exhibit, which is -- this is -- it'll  
10 come up in a second, Mr. Cross. This is an email 04:17:31  
11 from you to Jackie Chang and Brian Hurren dated  
12 October 30th, 2013, cc to Ime Archibong. Subject  
13 line on the email is "PS12n divide and conquer."

14 Do you see this email, Mr. Cross?

15 THE DEPONENT: I do. 04:17:54

16 Q. (By Mr. Loeser) This is an email that  
17 you offered; is that right?

18 MR. SCHWING: I'm sorry, Derek. Just  
19 really quickly so we can be on the same page and I  
20 can quickly get to documents too. 04:17:59

21 Was that -- was there like a tab number  
22 associated with that with the documents that you  
23 sent over? I'm wondering if -- I would just like  
24 to be able to -- rather than have you launch into  
25 it, have some access to look at the document, so -- 04:18:12

Page 541

HIGHLY CONFIDENTIAL

1 MR. LOESER: It will be Exhibit 401. 04:18:15

2 Q. (By Mr. Loeser) Do you see the exhibit

3 numbers in the Exhibit Share?

4 MR. LOESER: Or, Mr. Schwing, you can

5 also just look at the Bates number and match it to 04:18:38

6 what you receive.

7 MR. SCHWING: Okay. Go ahead. I got it.

8 I just had a little technical difficulty there, but

9 go ahead. Thank you.

10 Q. (By Mr. Loeser) Mr. Cross, do you see 04:18:51

11 the email?

12 A. I do see the email.

13 Q. And the date is October 30th, 2013,

14 right?

15 A. Yup. 04:19:00

16 Q. And the email has an attachment. It says

17 "PS12n private platform Ops & Partnership Work

18 Streams.key"; is that right?

19 A. That's right.

20 Q. And that's an attachment that you 04:19:11

21 prepared, correct?

22 A. I -- that's likely.

23 Q. And one of the recipients is Brian

24 Hurren. Who is Brian Hurren?

25 A. Brian Hurren was a partner manager on the 04:19:24

## HIGHLY CONFIDENTIAL

1 platform partnerships team. 04:19:27

2 MR. LOESER: And we can go to the next  
3 exhibit, which is the attached slide deck.

4 (Exhibit 402 was marked for  
5 identification by the court reporter and is 04:19:36  
6 attached hereto.)

7 Q. (By Mr. Loeser) And while we're waiting  
8 for that, Mr. Cross, what was your job at Facebook  
9 in October 2013?

10 A. I was a partner manager on the platform 04:19:59  
11 partnerships team.

12 Q. And how many partner managers were there  
13 at the time?

14 A. On the platform partnerships team or at  
15 the company? 04:20:11

16 Q. On the platform partnerships team.

17 A. I'm not sure of the exact number, but it  
18 was less than -- less than ten.

19 Q. And we're looking now at Exhibit 402,  
20 which is the slide deck that you prepared with the 04:20:26  
21 title "PS12n: Partnerships & Operations, Managing  
22 the Private Platform."

23 Do you see that?

24 A. I see.

25 Q. So that the record is clear, what is 04:20:39

Page 543



HIGHLY CONFIDENTIAL

1 PS12n? 04:20:41

2 A. PS12n refers to platform simplification,  
3 which is another code name for the set of proposed  
4 changes that ultimately resulted in the launch of  
5 Graph API v2 in April 2014. 04:20:54

6 Q. And how is it that you came to prepare  
7 this PowerPoint?

8 A. I don't recall exactly what -- how I came  
9 to prepare this -- this PowerPoint. But at the  
10 time, my understanding is that there were a set of 04:21:13  
11 changes being proposed to the Facebook developer  
12 platform, and the partnerships team were trying to  
13 understand what the impact would mean for  
14 Facebook's -- the -- the developers that the  
15 partnership team worked with. 04:21:37

16 Q. And why is it that you were tasked with  
17 preparing this PowerPoint?

18 Do you recall?

19 A. I don't recall why I was -- why I was  
20 tasked with it, but -- but at time I recall our -- 04:21:46  
21 our -- most of the team was engaged in some way  
22 and -- in trying to understand the impact on the  
23 developer ecosystem and the -- the partners that  
24 were managed by the team.

25 Q. And what is Facebook's private platform? 04:22:00

Page 544



V [REDACTED] [REDACTED]

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Country	Year	Value
China	2014	1.00
China	2015	1.00
China	2016	1.00
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HIGHLY CONFIDENTIAL

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Q. And the title of this slide shows that these bullets relate to the partnership operation goals; is that right?

04:27:18

A. The slide says "partnerships/operations goals."

Q. And were these, in fact, Facebook's goals at the time?

04:27:29

A. Again, I don't think it's fair to represent these as Facebook's goals. This is a skeletal draft slide deck written by one person in -- in kind of mid-2013, so I don't think this was -- this is officially Facebook's goals.

04:27:49

Page 548

## HIGHLY CONFIDENTIAL

1                   So no, I don't think it's right to make                   04:27:52  
2                   that representation.

3                   Q.     Well, were these the goals that were --  
4                   that were implemented and that Facebook sought to  
5                   achieve through the transition to the new platform?                   04:28:01

6                   MR. SCHWING:   Object to form.

7                   THE DEPONENT:   Again, no, I don't  
8                   think -- I don't think it's right to say that these  
9                   are Facebook's goals.   These are the goals that I,  
10                  as the author of this document, was proposing or                   04:28:12  
11                  asserting that would be attempted, but I don't  
12                  think that's right to say that these are Facebook's  
13                  goals for the overall program.

14                  Q.     (By Mr. Loeser)   Well, you were there  
15                  through the whole process -- right? -- the                   04:28:28  
16                  transition?

17                  A.     I was there through -- I was working on  
18                  this from -- from mid-2013 to kind of mid-2015.

19                  Q.     Okay.   So through the transition, right?

20                  A.     Yeah, through -- through most of the                   04:28:43  
21                  transition, yes.

22                  Q.     Okay.   So were these the goals you had in  
23                  mind for that transition and that Facebook  
24                  implemented?

25                  MR. SCHWING:   That's compound.                   04:28:53

HIGHLY CONFIDENTIAL

1 THE DEPONENT: So, again, I don't -- I 04:28:54  
2 don't think it's -- I mean, there are a number of  
3 goals that Facebook has -- was attempting to --  
4 attempting to achieve with this transition. These  
5 four bullets suggest a proposed subset as -- as I, 04:29:07  
6 as a person on the partnerships team, understood  
7 them in -- in kind of mid to late 2013.

8 So I don't -- I don't think it's right to  
9 say that these are -- these are the goals of the  
10 overall program. 04:29:21

11 Q. (By Mr. Loeser) Were any of these goals  
12 abandoned through the transition?

13 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

18 Q. Okay. We can go to the next slide.  
19 You see that the title of this slide is  
20 "PS12n Ops/Partnerships Workstreams"? 04:29:56

21 Do you see that?

22 A. I do.

23 Q. And so you helped come up with the  
24 workstreams that would be necessary to implement  
25 the transition to the new version of social Graph? 04:30:12

Page 550





## HIGHLY CONFIDENTIAL

1 were a set of APIs, permissions, and modifications 04:31:33  
2 to that public platform that were available or --  
3 or -- or enacted through a set of whitelists, and  
4 that's what I'm referring to by -- by the phrase  
5 "private platform." 04:31:51

6 There were not distinct like things. One  
7 was really a modifier of the other.

8 Q. So if you go to the far left, the first  
9 box, it says "public," and then in the box Login,  
10 Open Graph, Dialog, Payments, Canvas, non-app 04:32:07  
11 friends -- I missed one, plug-ins -- friend data,  
12 newsfeed, et cetera.

13 Do you see that?

14 A. I do see that.

15 Q. And what are each of those things? 04:32:18

16 A. I -- I'll do my best to enumerate.

17 Q. I'm sorry. Just generally, are those  
18 permissions? APIs? Descriptions of APIs? What --  
19 what are they generally?

20 A. It refers to, actually, a pretty wide 04:32:35  
21 gamut of different things. Login is the Facebook  
22 login dialogue. Open Graph is the ability for  
23 developers to read and write structured actions  
24 to -- to Facebook. Dialogs is a suite of -- a set  
25 of dialogs, user -- user-facing dialogs for a range 04:32:53

Page 552

HIGHLY CONFIDENTIAL

1 of purposes like sharing. Payments refers to the 04:32:59  
2 ability of developers to -- to take payments from  
3 users inside apps. Canvas refers to the ability to  
4 render an app inside Facebook on dub-dub-dub.

5 Plug-ins refers to the ability to embed various 04:33:11  
6 social plug-ins, of which were there several, on  
7 your website. Non-app friends refers to things  
8 like the full friend list. Friend data is  
9 referring -- again, my personal recollection --  
10 referring to the friend permissions. And then 04:33:25  
11 newsfeed referring to the -- to the newsfeed API  
12 and so on.

13 So it's actually quite a wide range of  
14 things that -- that -- that I was reflecting there  
15 as part of the, quote, public platform. 04:33:37

16 Q. And so just help me if I understand this  
17 slide correctly. All the things you just listed  
18 were available on the public platform at the time  
19 that you created this slide; is that right?

20 A. My understanding is that at the time I 04:33:51  
21 created this slide in kind of mid-2013, that was a  
22 list of things that would be reasonably considered  
23 to be part of the public developer platform, the  
24 standard Facebook public developer platform.

25 Q. And your arrow that says 1a, 1b directs 04:34:04

Page 553

HIGHLY CONFIDENTIAL

1 all of those things down to the private platform in 04:34:09  
2 the list that says No. 2 there.

3 Do you see that?

4 A. I do see that.

5 Q. And so was the idea that all of those 04:34:17

6 abilities and -- and I don't want to use the wrong  
7 word, because there's a variety of different ways  
8 to describe those things -- but some are  
9 permissions, some are capabilities, some are tools.

10 All of those things will not be available publicly 04:34:30  
11 anymore but will instead be available privately; is  
12 that right?

13 MR. SCHWING: Object to form.

14 THE DEPONENT: Sorry again. Trying to  
15 explain this is -- 04:34:42

16 Yes, my understanding in -- again, on a  
17 personal level, writing this deck and remembering  
18 what I knew in -- in mid-2013, a lot changed  
19 between then and the launch of the ultimate set of  
20 changes. 04:34:56

21 Is the -- that yes, there were some  
22 things that were going to be -- my understanding at  
23 the time was that there was some subset of those  
24 things which would no longer be publicly available;  
25 i.e., available to -- to regular developers. 04:35:09

Page 554

## HIGHLY CONFIDENTIAL

1 Q. (By Mr. Loeser) Okay. And two of those 04:35:13  
2 things in particular here on this list are non-app  
3 friends and friend data, right? Those were being  
4 transitioned from being publicly available to being  
5 available on the private platform, right? 04:35:25

6 A. Again, my understanding at the time is  
7 that these things would be no longer publicly  
8 available to regular developers eventually but that  
9 there would be some use cases that would continue  
10 to -- to need them and that those would be made 04:35:44  
11 available via -- via certain whitelists.

12 Q. So with regard to non-app friends and  
13 friend data in particular, those -- let's talk  
14 about friend data first. Permissions relating to  
15 friend data weren't going eliminated altogether, 04:36:07  
16 right? Instead they were going to be made  
17 available on the private platform?

18 MR. SCHWING: Object to form.

19 THE DEPONENT: So, again, my  
20 understanding writing this slide deck in -- in kind 04:36:18  
21 of mid to late 2013 is that these things were  
22 being -- were being deprecated from the -- the  
23 public surface area, and the -- I -- I was, again,  
24 as the author of this deck, trying to imagine a  
25 world where there would be some apps that would 04:36:36

Page 555

HIGHLY CONFIDENTIAL

1 continue to have access to this information after 04:36:40  
2 it had been publicly deprecated.

3 Q. (By Mr. Loeser) And in -- this slide has  
4 the title "Workstreams," right?

5 A. This article contains the word 04:36:55  
6 "Workstreams," yeah.

7 Q. Okay. And so you're diagramming the  
8 workstreams here, and you have 1a, 1b, 2, 3, and 4?  
9 Those are the workstreams?

10 MR. SCHWING: Object to form. 04:37:07

11 THE DEPONENT: Well, I -- I'm not  
12 entirely sure what they're referring to. Like,  
13 yes, those probably refer to a set of  
14 proposed/potential workstreams.

15 But, again, this is -- this is a skeleton 04:37:20  
16 deck that -- that -- that's is missing a lot of --  
17 a lot of content and I don't think represents what  
18 ultimately was done.

19 Q. (By Mr. Loeser) So I know there's a lot  
20 of information on this deck, but is there anything 04:37:35  
21 in particular that you see that was not done?

22 A. Well, I don't think we had the  
23 workstreams that -- that this deck suggests might  
24 exist. I don't think any of that was -- was set  
25 up. 04:37:53

Page 556

## HIGHLY CONFIDENTIAL

1                   And I think there's -- exactly how                   04:37:54  
2                   these -- exactly how the changes to the platform  
3                   were enacted, I don't think this is necessarily  
4                   representative of what ultimately happened.

5                   Q.     With regard to non-app friends and friend                   04:38:08  
6                   data, does this accurately reflect what happened?

7                   MR. SCHWING:   Object to form.

8                   THE DEPONENT:   So it -- it's -- it's hard  
9                   to say this accurately represents what happened,  
10                  because, you know, there's so much nuance and                   04:38:25  
11                  detail.

12                  But at a high level, there were, you  
13                  know, apps that continued to have access to some  
14                  friends data after the -- the public deprecation  
15                  of -- of those permissions.                                   04:38:47

16                  Q.     (By Mr. Loeser)   Okay.   We can go to the  
17                  next slide.

18                  Do you see the title of this slide is  
19                  "Workstream 1a-Simon"?   Does that refer to you?

20                  A.     That would refer to me.   But as I                   04:39:02  
21                  mentioned in -- in the previous -- when we  
22                  reviewing the previous slide, I don't think this  
23                  represents in any case what -- what happened.

24                  Q.     Well, let's go through and figure out  
25                  what did and what didn't.                                   04:39:18

3           A.     I was involved later as a product manager  
4     on -- on the platform team trying to determine  
5     what capabilities and -- and what lists needed to                   04:39:32  
6     as exist to support the needs of the partnerships  
7     team.

10 A. Well, again, I want to be -- I want to be 04:39:51  
11 clear. This is a proposed workstream. I don't  
12 want to say that this is workstream that I assumed  
13 ownership of and enacted upon. This is, again --  
14 if you scroll through the rest of the deck, it's  
15 broadly empty. 04:40:03

19 Q. Can you read the goal that you have for  
20 the workstream that you anticipated at this time. 04:40:13

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HIGHLY CONFIDENTIAL

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But like I don't think it's appropriate

04:42:38

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to say that all strategic use cases, however that's

12

defined, were -- were exempt.

13

Q. Well, did Facebook exempt some strategic

14

use cases from PS12n impact?

15

A. Well, again, like there's no formal

04:42:58

16

definition of -- of "strategic" as -- as we've

17

discussed. But there were apps and integrations

18

who -- who -- where their functionality continued

19

after the public deprecation of -- of certain

20

permissions and APIs.

04:43:16

21

Q. Okay. Let's look at the method you

22

describe here.

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Page 560

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I think it's important these -- these words and phrases were used relatively interchangeably, so like there is a -- a specific definition for -- for "integration partners" that covers some of the integrations and apps that were built or managed by the mobile partnerships team and the platform partnerships team, but the other categories, you know, could be at times characterized as integrations or partners.

04:51:20

Q. Well, let me try and understand.

04:51:40

The way that Facebook was using "integration partner" and the way you've used it -- I just want make sure your testimony is clear.

There's four categories here. And does the phrase "integration partner," as Facebook has used that phrase in this case, cover all four of those categories?

04:51:54

MR. SCHWING: Objection. Object to form.

THE DEPONENT: It -- it doesn't -- the phrase "integration partner" doesn't directly map

04:52:07

Page 567



HIGHLY CONFIDENTIAL

1 to these four categories.

04:52:10

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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MR. LOESER: Mr. Cross, would this be a

04:54:08

good time for a break, or you want to continue?

THE WITNESS: Yeah, now's a great time

for a break.

MR. LOESER: Why don't we take a

ten-minute break.

04:54:14

THE VIDEOGRAPHER: Okay. We're off the

record. It's 5:12 p.m.

(Recess taken.)

THE VIDEOGRAPHER: We're back on the

record. It's 5:25 p.m.

05:07:21

THE DEPONENT: I'm just going to shut the

door to my office because my kids are about to

arrive home so it'll get noisy. So my apologies.

MR. LOESER: No problem.

THE DEPONENT: Thank you. Sorry.

05:07:44

Page 569

[illegible]

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2                   So like -- it's hard to say that -- that  
3       that's -- that's what happened.    So yeah, hard to  
4       say that happened.

7 | A. Yeah, the "Why" on this slide, yes.

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[illegible]

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[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

A. So that can mean a range of things,

depending on -- on the API, depending on the

05:13:26

permission, depending on the whitelist. For

example, there were APIs -- like one example might

be off.login, which was made available to external

developers under a whitelist. And the way that

that was implemented by the developer was important

05:13:52

to be done correctly, and you would want to ensure

that people who had that capability would be

implementing it correctly and that -- that

implementation would remain correct over time.

Q. So one data was -- one of the types of

05:14:19

sensitive data that Facebook removed from the

public platform and made available to certain apps

and partners on the private platform, right?

MR. SCHWING: Object to form.

THE DEPONENT: So there were a range of

05:14:39

permissions and APIs that were previously available

to any developer that became only available to

whitelisted developers after API v2 launch.

Q. (By Mr. Loeser) I appreciate that, but

that's not the question I asked, so I'll -- I'll

05:14:57

Page 574

## HIGHLY CONFIDENTIAL

1 read you the question again, and if you could just 05:14:59  
2 try to answer the question.

3 A. My apologies.

4 MR. SCHWING: Argumentative.

5 Q. (By Mr. Loeser) So I'll read it again. 05:15:07

6 "Friend data was one of the types of  
7 sensitive data that Facebook removed from the  
8 public platform and made available to certain apps  
9 and partners on the private platform."

10 MR. SCHWING: Object to form. 05:15:18

11 THE DEPONENT: So, again, the -- the --  
12 one -- some of the information that was made  
13 available via private APIs was access to the friend  
14 permissions and the newsfeed APIs. I -- so those  
15 were made available via the private API surface 05:15:36  
16 area.

17 Q. (By Mr. Loeser) And when Facebook did  
18 that, which it did for strategic use cases, these  
19 apps and partners were granted access to sensitive  
20 data and features, right? 05:15:48

21 MR. SCHWING: Object to form.

22 THE DEPONENT: I think the definition  
23 of -- of "sensitive" is somewhat subjective. And  
24 there's a range -- what we're talking about here is  
25 a set of private capabilities, APIs and platforms 05:16:02

Page 575



4	So like I think there's a wide range of	
5	things that were considered as this part of the	05:16:22
6	slide.	

11 MR. SCHWING: Vague.

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action, broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the age groups and genders. The x-axis represents the percentage from 0 to 100. The bars are color-coded: blue for Male and orange for Female. The data is as follows:

Age Group	Gender	Percentage
18-29	Male	85%
	Female	88%
30-49	Male	82%
	Female	85%
50-69	Male	78%
	Female	80%
70+	Male	75%
	Female	78%

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Q. Does Facebook consider friend data

sensitive?

MR. SCHWING: Object to form.

THE DEPONENT: I think Facebook considers

05:18:16

Page 577

HIGHLY CONFIDENTIAL

1 any data important to govern properly. And so like 05:18:20  
2 even -- I don't think it's right to just  
3 characterize friend data as -- as sensitive. I  
4 think Facebook takes privacy of information very  
5 seriously and does a -- a number of things to 05:18:37  
6 ensure that data is being properly used.

7 Q. (By Mr. Loeser) Mr. Cross, I appreciate  
8 that. I asked you a very specific question. So  
9 I'll ask it again. If you could answer yes or no  
10 or let me know if it's not possible to answer yes 05:18:52  
11 or no, I'd appreciate it.

12 Does Facebook consider friend data  
13 sensitive?

14 A. I don't think I can answer that on behalf  
15 of Facebook, because I don't know how to answer 05:19:05  
16 "does Facebook think." I can answer from -- you  
17 know, from a personal capacity, but it's hard to --  
18 to determine whether or not Facebook thinks --  
19 would concern it as -- as quite sensitive.

20 Again, I think the definition of 05:19:21  
21 "sensitive" is -- is somewhat subjective.

22 Q. Is there any definition of "sensitive"  
23 Facebook uses that does not include friend data?

24 A. I don't think Facebook has a formal  
25 definition of "sensitive," right? This is why I'm 05:19:38

Page 578



HIGHLY CONFIDENTIAL

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Q. Was there a system used by Facebook to enable proper auditing for the future?

A. I think it depends on what the definition of "proper auditing" is, so that -- that's -- that's a subjective definition.

Today Facebook has a -- a rigorous process for tracking decisions around how whitelisting issues were made.

Q. And Facebook did not have that system at

05:23:01

05:23:18

Page 580

HIGHLY CONFIDENTIAL

1 the time of the transition to Graph -- 05:23:21

2 A. The system that exists today did not  
3 exist in -- in 2013.

4 Q. And did Facebook have some other rigorous  
5 system previously? 05:23:31

6 MR. SCHWING: Objection. Vague.

7 THE DEPONENT: Yeah -- we -- there's --  
8 there's a tool for managing -- for managing  
9 whitelists and who -- who has access to what.

10 There was no centralized process to track 05:23:43  
11 how or why a given app was accessed -- was added to  
12 a whitelist.

13 Q. (By Mr. Loeser) Okay. We can go to the  
14 next document.

15 You should see in a moment an email from 05:24:03  
16 you to Gareth Morris and to yourself dated  
17 May 1st, 2014. Subject "message summary."

18 (Exhibit 403 was marked for  
19 identification by the court reporter and is  
20 attached hereto.) 05:24:15

21 THE DEPONENT: I see, yeah.

22 Q. (By Mr. Loeser) And it appears that this  
23 email captures a chat between you and Mr. Morris;  
24 is that right?

25 A. Yes, I think this represents a chat 05:24:30

Page 581

HIGHLY CONFIDENTIAL

1 thread. 05:24:33

2 Q. Who is Gareth Morris?

3 A. Gareth Morris is a partner engineer at  
4 Meta.

5 Q. And by sending this message to yourself, 05:24:45  
6 was that a way of keeping a record of this chat?

7 A. I'm not -- sorry. I don't think I sent  
8 this to myself. The way this is represented is  
9 likely an artifact of Facebook's retention systems.

10 Q. Okay. And May 1st, 2014, the date of 05:25:04  
11 this -- this chat, that was after the public  
12 announcement at the new platform at the 2014 F8; is  
13 that right?

14 A. Yes. The -- the changes were announced  
15 on April 30th, 2014, so this would have been after 05:25:27  
16 that.

17 Q. So at this point the public announcement  
18 had been made and process of transitioning  
19 deprecated permissions from the public to the  
20 private platform was underway, right? 05:25:38

21 A. At this point, yes, the migration from  
22 API v1 to v2 for public developers had begun, yes.

23 Q. And looking through this chat, it appears  
24 that it's in chronological order, so we can stop at  
25 the top and you can read through it. 05:25:58

Page 582

HIGHLY CONFIDENTIAL

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Did I read that correctly?

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A. You read that correctly.

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Q. So at this point in time, Facebook had

05:26:43

16

made the decision to whitelist certain apps that

17

have meaningful experiences; is that right?

18

MR. SCHWING: Objection. Vague.

19

THE DEPONENT: I don't think it's right

20

to say that Facebook had decided to whitelist

05:27:01

21

certain applications. So -- so no, I don't think

22

that's like -- it's right to say that Facebook had

23

made that decision.

24

Q. (By Mr. Loeser) Would -- but that

25

Facebook's plan generally though, right?

05:27:11

Page 583



HIGHLY CONFIDENTIAL

1 MR. SCHWING: Objection. Vague. 05:27:14

2 THE DEPONENT: Again, I don't think -- I

3 don't think it's right to say that's Facebook plan

4 generally. My -- speaking from my involvement at

5 the time, there were discussions about what -- 05:27:27

6 which -- which apps should or should not be

7 whitelisted for -- for different things, and there

8 was an active discussion about what would be done,

9 so I don't think any -- many decisions had been

10 made. 05:27:45

11 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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[REDACTED]

25 Q. So it sounds like at the time you

05:28:33

Page 584

HIGHLY CONFIDENTIAL

1 believed there were -- there were whitelists that 05:28:34  
2 were in place or going to be in place, right?

3 A. At the time --

4 MR. SCHWING: Objection.

5 THE DEPONENT: -- again, using -- 05:28:41

6 MR. SCHWING: Sorry, Mr. Cross. I  
7 just -- give me one second to object. I know it's  
8 a -- it's a -- challenging to do.

9 Objection. Vague.

10 Go ahead. 05:28:50

11 THE DEPONENT: Again, going back to my  
12 personal recollection at the time is that it was  
13 thought that there would be whitelists for various  
14 things or it was possible to make whitelists for  
15 various things -- by "these things" referring to 05:29:05  
16 the set of changes in API version 1 to version 2.

17 So my -- my recollection, again, eight  
18 years ago is that -- there was -- there was either  
19 some whitelist in place or discussion about whether  
20 or not additional whitelists should be in place. 05:29:27

21 [REDACTED]

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[REDACTED]

Q. And it was your practice when

communicating with your colleagues to provide them

with truthful and accurate information?

MR. SCHWING: Objection. Vague.

THE DEPONENT: I do my best normally

05:30:41

to -- to communicate my understanding of things

accurately, yes.

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Page 586

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[REDACTED]

[REDACTED]

A. I'm not confirming anything here in -- in

the sense that it's a formal or final answer. I'm

representing my understanding of the -- the

position at the time.

■ [REDACTED]

[REDACTED]

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Q. And the partnership team and the platform leadership teams were acting on behalf of Facebook; is that right?

MR. SCHWING: Objection. Vague.

THE DEPONENT: These are people employed by Facebook for sure. But like -- it's hard to -- to -- to say that "we" means Facebook in a -- in a holistic sense.

Q. (By Mr. Loeser) All right. And if you go down the chat, Mr. Morris then writes "Okay. I'll meet with them next week as they're working with some of our game developers, though I'm not sure exactly what services they are providing."

Did I read that correctly?

A. You read that correctly.

Q. And what did you say in your next chat?

Q. Okay. And your next chat, what is -- what did you say in your next chat?

Page 588



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Q. And what is your next text?

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Q. And why would you feel pissed if you found out a friend of yours was using their product which was mining all of your data?

05:36:31

A. So at a personal capacity, remembering as the -- as the author of this, I think I'm reflecting the concerns that we've talked about previously and discussed where users might be unaware that their information was being shared with third parties and used in ways they may not have expected.

05:36:47

Q. Is it fair to say that being pissed is a reasonable reaction to finding out a friend of yours was using your product which was mining all of your data?

05:37:05

MR. SCHWING: Objection. Vague. Scope.

THE DEPONENT: I think you're asking me to kind of review a -- a relatively informal chat thread from -- from eight years ago. I think it's a -- a phrase that I might have used in -- in passing.

05:37:15

Q. (By Mr. Loeser) And do you believe that your reaction was a reasonable one?

05:37:31

Page 591



## HIGHLY CONFIDENTIAL

1 MR. SCHWING: Objection. Vague, and it's 05:37:36  
2 outside of the scope of the deposition topics.

3 You can answer.

4 THE DEPONENT: So yeah. I mean, you're  
5 asking me a really -- a personal question here. I 05:37:45  
6 think it's -- it's reasonable to be concerned, as  
7 evidenced by the changes made to the platform,  
8 that apps might be using information from mine --  
9 to mine data.

10 Q. (By Mr. Loeser) We can put that exhibit 05:38:12  
11 aside.

12 I'm going to read a statement to you. If  
13 you can tell me what Facebook means by this  
14 statement.

15 And I'll to read it slowly so that 05:38:38  
16 Rebecca doesn't get mad.

17 "If an application asks permission from  
18 someone else to access your information, the  
19 application will be allowed to use that information  
20 only in connection with the person that gave the 05:38:52  
21 permission and no one else."

22 A. Sorry. Can you repeat that again. It  
23 would helpful to -- do you have it written,  
24 could -- could present? I want to make sure I'm  
25 fully understanding it. 05:39:12

## HIGHLY CONFIDENTIAL

1 Q. I'll read it again. I don't have it 05:39:13  
2 written. And this relates to friend sharing, which  
3 is why -- which is why I'm asking.

4 "If an application asks permission from  
5 someone else to access your information, the 05:39:23  
6 application will be allowed to use that information  
7 only in connection with the person that gave the  
8 permission and no one else."

9 MR. SCHWING: Mr. Loeser, is there -- you  
10 read it. I'm confused a little bit what you're -- 05:39:39  
11 is there a question associated with it? I don't  
12 understand.

13 MR. LOESER: Yes. I would like to  
14 understand what Facebook means by that statement.

15 MR. SCHWING: Is there a document that -- 05:39:54  
16 I'm sorry. I just want to make sure. Is there a  
17 document that this is in that you could help the  
18 witness with? He's asked to see what it is.

19 MR. LOESER: Yeah, I can write it down on  
20 a piece of paper and we can put it up as an 05:40:03  
21 exhibit. It'll take a couple minutes, but -- this  
22 is just my effort to understand how friend sharing  
23 worked at Facebook.

24 So we can -- we can come back to that.  
25 And -- we'll write it down on a piece of paper and 05:40:16

## HIGHLY CONFIDENTIAL

1 put it up as an exhibit. That's probably an 05:40:20  
2 effective way to do it.

3 MR. SCHWING: Okay. If you're -- and  
4 let's -- I don't want to take long on this, but if  
5 you're representing Facebook said something in a 05:40:27  
6 document, to be able to give the document, I think,  
7 is the appropriate way to approach the issue.

8 But if you want to move on to the next  
9 topic, that's fine.

10 MR. LOESER: Yeah. We'll come back once 05:40:38  
11 we create an exhibit.

12 MR. SCHWING: Just to be clear, I will  
13 ask that -- at that time that you actually give  
14 the -- the document as opposed to excerpting it.

15 Q. (By Mr. Loeser) Okay. We're going to 05:40:54  
16 screen share this sentence, and if you could tell  
17 me what this means as Facebook's corporate  
18 designee, I'd appreciate it.

19 A. It's hard --

20 MR. SCHWING: I'm sorry. Let me state an 05:41:09  
21 objection.

22 I object to taking snippets of  
23 unidentified documents and -- and putting them  
24 before the witness and asking the witness to  
25 explain what Facebook means by something that's 05:41:19

HIGHLY CONFIDENTIAL

1 excerpted. You should have the entirety of the 05:41:22  
2 document.

3 THE DEPONENT: Yeah. It's hard for me to  
4 answer this -- this question, again, accurately  
5 without understanding where this came from and -- 05:41:33  
6 and the context behind it. There's not enough here  
7 for me to give a reasonable answer, I think.

8 Q. (By Mr. Loeser) Can you read the  
9 sentence and give me your -- your understanding of  
10 what it means. 05:41:53

11 MR. SCHWING: Special Master Garrie, I  
12 don't want to difficult during this deposition, but  
13 I would appreciate -- I'd like to make a motion  
14 under Rule 30 that if -- if they're asking about  
15 a -- a document and a purported Facebook document 05:42:03  
16 that they actually use the document so that the  
17 witness can properly answer.

18 SPECIAL MASTER GARRIE: Yeah, I was going  
19 to rule, but the witness answered the question.

20 Counsel Loeser, do you have the entirety 05:42:13  
21 of the document?

22 THE DEPONENT: I don't, and there's no  
23 requirement for me to show this witness any  
24 documents. I'm asking the question --

25 SPECIAL MASTER GARRIE: No, no. 05:42:25

Page 595

## HIGHLY CONFIDENTIAL

1 MR. LOESER: I'm asking the witness about 05:42:26  
2 this document.

3 SPECIAL MASTER GARRIE: Just so I  
4 understand, you're asking them -- you're asking the  
5 witness what this sentence means as a 05:42:33  
6 representative of Facebook, not in reference to a  
7 particular document Facebook has, but just  
8 generally?

9 THE DEPONENT: That's right. I'm just  
10 asking what this -- if this sentence means anything 05:42:42  
11 to Facebook.

12 MR. SCHWING: But, Special Master Garrie,  
13 he's representing that this is a statement by  
14 Facebook, and it's snipped out from something.  
15 We have no idea what it is. 05:42:51

16 SPECIAL MASTER GARRIE: Well, Counsel  
17 Loeser --

18 MR. SCHWING: If we could talk about it  
19 off the record, that would be wonderful.

20 SPECIAL MASTER GARRIE: Yeah, can we -- 05:42:56  
21 well, on the record, let me just get clarification.

22 Counsel Loeser, is this, you're  
23 representing, a statement from Facebook?

24 MR. LOESER: This is a statement that  
25 Facebook has made, yes. 05:43:08

HIGHLY CONFIDENTIAL

1 SPECIAL MASTER GARRIE: Do you have any 05:43:12  
2 further context as to who, what, when, or where?  
3 MR. LOESER: I do --  
4 SPECIAL MASTER GARRIE: Or do you not --  
5 MR. LOESER: Yeah, we can introduce it. 05:43:22  
6 I'm surprised the witness isn't familiar with this  
7 statement, but we can introduce the statement.  
8 There's no requirement for us to --  
9 SPECIAL MASTER GARRIE: I'm not saying  
10 there is -- there is -- 05:43:35  
11 MR. LOESER: Fine. That's fine. We're  
12 happy to introduce the statement, but I want to  
13 understand about this statement is what it means to  
14 Facebook. So we'll introduce the statement --  
15 SPECIAL MASTER GARRIE: Right, so -- 05:43:44  
16 MR. LOESER: -- the policy.  
17 SPECIAL MASTER GARRIE: So if you -- if  
18 you want to know what the statement means in  
19 general from what Facebook says, that's different  
20 than saying this is a statement Facebook has made, 05:43:53  
21 what does it mean to Facebook.  
22 So I'm just trying to understand which of  
23 the two courses you're going down.  
24 MR. LOESER: I started on the first  
25 course and I'm happy to stay there. This is a 05:44:05

Page 597

HIGHLY CONFIDENTIAL

1 statement, what does it mean to you. If it means 05:44:06  
2 nothing to him, then he can say that.

3 SPECIAL MASTER GARRIE: Yeah, got it.  
4 That's all I needed to know.

5 So, Counsel Schwing, I appreciate your 05:44:12  
6 position, but I don't think it's an issue, so he's  
7 simply as Facebook's 30(b)(6) representative, what  
8 does this statement mean.

9 MR. SCHWING: Okay. And just -- I  
10 appreciate that, Special Master. For the record, I 05:44:24  
11 think it's difficult, if not impossible, without  
12 any context with respect to what the document is or  
13 the time frame or anything like that to pluck out  
14 the statement and have him ask, answer on behalf of  
15 the company about what this means. There's just 05:44:41  
16 not enough context.

17 I would appreciate it if the document  
18 would be -- would be put up, since counsel  
19 has indicated that they have the document.

20 MR. LOESER: Yeah. You know, we can cut 05:44:53  
21 this short. We can just introduce -- it's already  
22 an exhibit, so we can just refer to the exhibit.  
23 We can focus on this.

24 And, again, the purpose of my asking  
25 Mr. Cross this is -- 05:45:00

Page 598

HIGHLY CONFIDENTIAL

1 SPECIAL MASTER GARRIE: I understand. 05:45:01

2 MR. LOESER: Yeah.

3 SPECIAL MASTER GARRIE: Yeah, I get it,

4 Counsel Loeser. So, I mean, if you want to do that

5 for Facebook, you're under no obligation to do 05:45:07

6 such, but if you want to produce it, that would be

7 probably be effective in aiding in the testimony

8 you're trying to obtain. But you're under no

9 obligation to do such. So...

10 MR. LOESER: We're going to go ahead and 05:45:22

11 introduce it, just because I think it satisfies

12 Mr. Schwing's concern.

13 MR. SCHWING: I would appreciate that,

14 Mr. Loeser. Thank you.

15 MR. LOESER: This is Exhibit 400. 05:45:34

16 This is the data use policy.

17 Yeah, and the reason why we didn't send

18 this over to Mr. Cross is we didn't actually intend

19 to introduce the exhibit. But to satisfy counsel's

20 concerns about the context of this statement, we're 05:45:54

21 introducing the data use policy.

22 Q. (By Mr. Loeser) And my question is

23 really very specific. It's not about what anyone

24 else might think this means; it's specifically what

25 Facebook thinks this means. I'm asking the 05:46:09

Page 599



HIGHLY CONFIDENTIAL

1 question so that I can understand how Facebook 05:46:12  
2 believes friend sharing works.

3 So if we can -- we'll try and find the  
4 statement.

5 MR. SCHWING: While you're scrolling for 05:46:27  
6 that, I object to using documents that were not  
7 provided to us in advance as required under our  
8 protocol.

9 And the policies are outside of the scope  
10 of -- of Mr. Cross's deposition topics. 05:46:35

11 Q. (By Mr. Loeser) Okay. So, Mr. Cross,  
12 the data use policy is in front of you.

13 And do you see the statement "If an  
14 application asks permission from someone else to  
15 access your information, the application will be 05:46:54  
16 allowed to use that information only in connection  
17 with the person that gave the permission and no one  
18 else"?

19 Do you see that statement?

20 A. I do see that statement. 05:47:04

21 Q. What does that statement mean?

22 MR. SCHWING: Outside the scope of the  
23 deposition.

24 THE DEPONENT: So, yeah, I'm not an  
25 expert in interpreting Facebook's platform policies 05:47:12

Page 600

HIGHLY CONFIDENTIAL

1 or data use policies. I think there are other 05:47:15  
2 people that your -- that are testifying who are  
3 better placed to interpret that.

4 I can give you a personal interpretation  
5 or my personal understanding of that, but I think 05:47:30  
6 there are -- there are other people who -- who are  
7 more knowledgeable about this subject than me that  
8 would give you a more accurate answer.

9 Q. (By Mr. Loeser) Okay. And I'm really  
10 trying to understand it from the technology 05:47:42  
11 standpoint, which is why I'm asking you.

12 So why don't you go ahead and give me  
13 whatever explanation for this statement that you  
14 can.

15 MR. SCHWING: Object to the scope. 05:47:52

16 Go ahead if you can answer in your  
17 personal capacity.

18 THE DEPONENT: Yeah, I'll answer in my  
19 personal capacity and my understanding having --  
20 having worked on this area but not being an expert 05:48:02  
21 in interpreting or enforcing Facebook's policies in  
22 this matter.

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Page 601

HIGHLY CONFIDENTIAL

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Q. (By Mr. Loeser) Thank you.

10

Okay. We can move on.

05:48:57

11

MR. LOESER: Tab 53.

12

(Exhibit 404 was marked for

13

identification by the court reporter and is

14

attached hereto.)

15

Q. (By Mr. Loeser) You're going to see in a

05:49:33

16

moment an email from KP to several people,

17

including Marne Levine and Ime Archibong, and the

18

date of the email is December 18th, 2018, and the

19

subject is "private API review."

20

There's an attachment to this email,

05:49:52

21

"private\_API\_review\_vF\_pptx;

22

private\_API\_review\_vF.pdf."

23

Do you see that?

24

A. I see that, yeah.

25

Q. And this is Exhibit 404.

05:50:07

Page 602

4	Q. Yeah.
---	----------

7 MR. LOESER: Is there a way to put up the  
8 PDF as well?

12 THE DEPONENT: Great. Thank you.

15	Q. (By Mr. Loeser) It's on its way.	05:51:31
----	-------------------------------------	----------

16	A. Cool. Thank you.
----	---------------------

19 Cool. I've reviewed both of those

20 | before. Thank you. 05:52:40

21 Q. Okay. So --

22           A.    I appreciate you guys giving me the time  
23   to read these things.

24 Q. Yes, of course.

25	Looking back at the email itself, KP	05:52:48
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[illegible]

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Q. Okay. And can you what the problem was

05:55:50

Page 605

2 MR. SCHWING: I will caution the witness  
3 not to reveal anything that may be attorney-client  
4 privilege.

5 But if you can answer without revealing 05:55:59  
6 that, please do.

[illegible]

[illegible]



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■ **4. 2020-2029**

■ **5. 2030-2039**

■ **6. 2040-2049**

■ **7. 2050-2059**

■ **8. 2060-2069**

■ **9. 2070-2079**

■ **10. 2080-2089**

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■ **32. 2300-2309**

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■ **39. 2370-2379**

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■ **41. 2390-2399**

■ **42. 2400-2409**

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■ **101. 2990-2999**

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■ **103. 3010-3019**

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■ **107. 3050-3059**

■ **108. 3060-3069**

■ **109. 3070-3079**

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■ **138. 3360-3369**

■ **139. 3370-3379**

■ **140. 3380-3389**

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Did I read that correctly?

4

A. You read that correctly, yeah.

5

Q. And did that happen?

06:01:19

6

A. I -- I don't know whether or not that

7

happened. I'm -- I'm not familiar with the precise

8

things that were -- were done as part of this

9

project, so I can't comment as to whether or not

10

that -- that happened.

06:01:37

11

Q. And did the private APIs being accessed

12

include APIs that emitted friend data?

13

A. Yes. My understanding is that this

14

effort looked at all private APIs and capabilities

15

that existed at the time.

06:01:57

16

Q. And so in 2018, those private apps and

17

capabilities including those that emitted friend

18

data?

19

A. Well, at this point, the -- the friend

20

permissions had been fully removed from the code

06:02:21

21

base, and there's a number of -- this covers every

22

API and private API or whitelists or permission

23

that was gated behind a capability.

24

I can't say for certain what that full

25

set of things would have included.

06:02:38

Page 610



Page 611

1 [REDACTED] 06:03:59

2 Q. (By Mr. Loeser) And was KP considered a  
3 knowledgeable person about these topics at  
4 Facebook?

5 MR. SCHWING: The question is vague. 06:04:08  
6 Calls for speculation.

7 THE DEPONENT: Yeah. I mean, hard --  
8 hard -- hard to answer that question. Yeah, I  
9 don't know how KP was perceived by -- by various  
10 people at the company. He was certainly 06:04:19  
11 knowledgeable as a platform partnerships person.

12 Q. (By Mr. Loeser) And fair to say that  
13 Facebook believed that he had an adequate  
14 understanding of what a sensitive private API was?

15 MR. SCHWING: Outside of the scope. 06:04:34  
16 Object to the form.

17 THE DEPONENT: Yeah, hard for me to  
18 answer on behalf of Facebook and what -- what  
19 Facebook as -- as an entity thinks.

20 I can give you my -- my view. But -- but 06:04:45  
21 I don't feel I can answer that on behalf of the  
22 company as such.

23 I think he was knowledgeable about --  
24 about the Facebook developer platform and which  
25 APIs existed and what -- what they were being used 06:05:00

Page 612

HIGHLY CONFIDENTIAL

1 by -- how they were being used by developers. 06:05:07

2 Q. (By Mr. Loeser) Who at Facebook can  
3 answer the question in the way that -- that would  
4 describe Facebook's corporate understanding of what  
5 is a sensitive private API? 06:05:21

6 MR. SCHWING: Object to the scope. Calls  
7 for speculation.

8 THE DEPONENT: I mean, it -- I think,  
9 again, "sensitive" is -- is a subjective  
10 definition. "Private API," I think we've covered. 06:05:36  
11 "Sensitive" is subjective.

12 I would think that maybe the legal policy  
13 teams would be well placed to opine on that.

14 But, again, "sensitive" is not -- is a  
15 subjective term. 06:05:56

16 Q. (By Mr. Loeser) So who in the policy  
17 team could opine on -- on what Facebook means by  
18 "sensitive private API"?

19 MR. SCHWING: Outside the scope. Calls  
20 for speculation. 06:06:09

21 THE DEPONENT: Yeah, I -- I don't know  
22 who at the company would like names of -- of people  
23 that -- that would be able to give you an  
24 authoritative answer. Again, you're asking a very  
25 broad question. 06:06:22

Page 613

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1 Q. (By Mr. Loeser) And do APIs that emit 06:06:24  
2 friend data emit PII data?  
3 MR. SCHWING: Object -- sorry.  
4 Objection. Vague. Outside the scope.  
5 THE DEPONENT: Can you help me understand 06:06:40  
6 what -- what you mean by PII data?  
7 Q. (By Mr. Loeser) Well, what does it mean  
8 here on this -- on this communication?  
9 MR. SCHWING: Calls for speculation.  
10 Outside the scope. 06:06:51  
11 THE DEPONENT: Yeah, I -- yeah, I can't  
12 give you an authoritative answer to that. I have  
13 my own understanding, but KP is the -- is the  
14 author of the email, and he's -- he's the one  
15 making these statements. 06:07:07  
16 Q. (By Mr. Loeser) Do you know what "PII"  
17 stands for?  
18 A. My understanding in this context is "PII"  
19 stands for personally identifiable information.  
20 Q. And does friend data provide personally 06:07:18  
21 identifiable information?  
22 MR. SCHWING: Objection. Vague. Calls  
23 for a legal conclusion.  
24 THE DEPONENT: Yeah, it's -- I'm not --  
25 I'm not able to make a formal determination of what 06:07:30

Page 614

HIGHLY CONFIDENTIAL

1 PII includes or counts as PII. 06:07:33

2 Q. (By Mr. Loeser) So you're saying -- your  
3 testimony under oath today is you cannot testify as  
4 to whether friend data includes PII?

5 A. By giving you -- again, I'm trying to do 06:07:48  
6 my best here and give you an accurate -- an  
7 accurate and complete answer.

8 The definition of "PII" is -- is not  
9 defined, and so it's hard to give -- me to give you  
10 a complete -- complete answer. Right? 06:08:00

11 So I -- I just -- I'm not sure I can  
12 answer that question in a way that's like -- fully  
13 accurate. I could, you know, speculate and give  
14 you my personal take, but you're asking me to  
15 testify as to what Facebook considers PII, which is 06:08:14  
16 a -- a thing I'm -- I don't believe I'm well placed  
17 to give.

18 Q. Well, Mr. Cross, what do you believe PII  
19 is?

20 A. I think there's a range of definitions 06:08:28  
21 of -- of PII. One definition would be somebody's  
22 name and maybe their profile picture. You could  
23 argue that that is personally identifiable. There  
24 are cases where it's not personally identifiable.  
25 So hence -- hence the challenge giving a complete 06:08:50

Page 615



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1 answer there. 06:08:55

2 Q. Okay.

3 MR. LOESER: Why don't we go to the  
4 PowerPoint itself. It's Exhibit 405.

5 (Exhibit 405 was marked for 06:09:10  
6 identification by the court reporter and is  
7 attached hereto.)

8 Q. (By Mr. Loeser) Again, Mr. Cross, you've  
9 had a chance to review this PowerPoint previously,  
10 right? 06:09:23

11 A. I have, yes.

12 Q. And did you also read it to prepare for  
13 your testimony today?

14 A. It was -- yes, it was supplied as one of  
15 the documents I -- I think you were potentially 06:09:32  
16 going to show me, so I -- I reviewed it in  
17 preparation for today, yes.

18 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Page 616

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Q. (By Mr. Loeser) Can we go to --

15

MR. SCHWING: Mr. Loeser, just -- just

06:12:36

16

quickly. We've been going for about an hour. I'm

17

not saying we need to take a break right now, but

18

at a convenient time in the next few minutes, if we

19

could take a break, that would be great.

20

MR. LOESER: Sure. I'd like to get

06:12:48

21

through this deck, and I'll try and do it quickly,

22

but if it's taking too long, we'll stop before we

23

get to the end.

24

THE DEPONENT: Thank you.

25

MR. SCHWING: Thank you.

06:12:56

Page 618

3 Do you see that "What is the problem?"

A horizontal bar chart comparing the percentage of respondents who believe the government should do more to protect the environment, categorized by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the categories, and the x-axis shows the percentage from 0 to 100. The chart uses a color-coded system: light blue for Male and light orange for Female. The bars are grouped by age group, with Male bars on the left and Female bars on the right of each age group. The data shows that younger age groups (18-29) generally have higher percentages of respondents who believe the government should do more to protect the environment, while older age groups (70+) generally have lower percentages. The chart also shows that there is a significant difference in opinion between males and females, with females generally having higher percentages of respondents who believe the government should do more to protect the environment.

Age Group	Gender	Percentage
18-29	Male	85%
	Female	90%
30-49	Male	75%
	Female	80%
50-69	Male	65%
	Female	70%
70+	Male	55%
	Female	60%

18           A.     So I actually would be speculating if I  
19     knew precisely.  I think I know what -- what this  
20     refers to.  I would have used a different term.

21           So private API is a -- is an ambiguous  
22       term, and so I think he may have used a -- he may  
23       be referring to a different technical term. So I  
24       would actually be speculating if I -- if I  
25       confirmed that -- understanding -- if I confirmed. 06:14:27

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1 My understanding, speaking -- you know, 06:14:30  
2 trying to do my best here and trying to give you  
3 the best answer I can -- is that -- I understand  
4 him to be referring to capability app pairs. So  
5 that -- that -- that's my understanding of what 06:14:44  
6 he'd be referring to.

7 But private APIs is a little bit  
8 ambiguous in this context.

9 Q. Okay. And then the key issues that he  
10 identified, those appear to be the same, more or 06:15:00  
11 less, as the problems he identified in the cover  
12 email; is that right?

13 A. This maps pretty closely to what he  
14 identified in the email, yes.

15 Q. Okay. So we go to thing next slide. 06:15:15

16 " [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Page 620

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Q. And -- and what events prompted that  
audit?

MR. SCHWING: Object to the scope.

Outside the scope.

06:16:52

THE DEPONENT: I'm -- I'm not sure,  
again, exactly what prompted that. So probably a  
number of factors that went into the -- the  
decision-making that I, you know, have not fully --  
I'm not fully aware of. So I can't answer fully as

06:17:09

Page 621

2	decision-making.
---	------------------

4        personal perspective is this is after the

6 would -- my understanding is that was one of the

8	APIs.
---	-------

11/11/2019

Page 10 of 10

113

10 of 11

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1. **Introduction**

The purpose of this document is to provide a comprehensive overview of the project's objectives, scope, and timeline. This document is intended for the project team and stakeholders.

2. **Objectives**

The primary objectives of this project are to:

- Develop a new software application for data analysis.
- Improve the efficiency of the data collection process.
- Ensure the accuracy and reliability of the data.

3. **Scope**

The project will focus on the development of a web-based application that allows users to upload and analyze data. The application will be developed using Python and Django.

4. **Timeline**

The project is scheduled to start on January 1, 2024, and is expected to be completed by June 30, 2024. The timeline is subject to change based on the progress of the project.

5. **Conclusion**

This document provides a high-level overview of the project. The project team will continue to work on the development of the application and will provide regular updates on the progress.

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Q. (By Mr. Loeser) And you gave one example

of an app API pair that is questionable. Can you

think of other examples?

06:23:28

A. Give me a second to make sure I can think

of some.

So yeah. Another example might be where

an application has the ability to call a certain

API or access certain information where the -- the

06:24:03

way in which that information is being used to

enhance the user experience is unclear or not

known.

Q. Would a misuse of user data by the app

also be considered the result of a questionable

06:24:26

private API app pair?

MR. SCHWING: The question is vague.

Outside the scope.

THE DEPONENT: Again, hard to give a

detail. I can't give a representative company

06:24:40

Page 626

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1 answer there. 06:24:42

2 My -- my understanding is that, yes,

3 questionable means would -- would mean, to me, this

4 is worth investigating as to why this app has this

5 capability to make sure we are confident that the 06:24:56

6 app should indeed have access to this capability.

7 Q. (By Mr. Loeser) Okay. You can go to the

8 slide, and then we're just about finished with this

9 document. Appreciate your patience.

10 A. Thank you. 06:25:10

11 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Q. (By Mr. Loeser) Who at Facebook could tell me whether there's a subset of partners called "strategic partners" at Facebook?

06:31:46

MR. SCHWING: Outside the scope. Calls for speculation.

If you know, you can go ahead and answer.

THE DEPONENT: So the platform partnerships team would probably be able to provide some additional context there. As I -- as I have said before, I don't think there's a standard definition for "strategic partner," and I think if there is, those definitions will change depending on -- on the division of Facebook that you're talking to and -- and different definitions over time.

06:32:05

06:32:18

So I'm not aware of a standard definition of what "strategic partners" means.

06:32:32

Q. (By Mr. Loeser) Last question. And if you go back to the second page of the deck where we referred to the number of private API application pairs.

Are all of those pairs reflected on a

06:32:42

Page 632

HIGHLY CONFIDENTIAL

1       whitelist? 06:32:49

2           A.    I'm sorry. Can you help me understand  
3       the question? I think I know what you're asking,  
4       but it's a little imprecise.

5                   Are they reflected on a whitelist? 06:33:05

6           Q.    Yeah. Are these all whitelisted  
7       partners, basically? Is that how they -- that's  
8       how you're able to identify that these private API  
9       application pairs are what you would refer to as  
10      capability pairs, are those reflected on -- on 06:33:17  
11      whitelists? These are whitelisted partners?

12          A.    So my understanding -- so first of all,  
13      I'm not entirely sure what KP is referring to. As  
14      I've -- as I've mentioned earlier, his definition  
15      of "private API" is a little ambiguous to me. So 06:33:35  
16      I -- I don't think I can give you a fully  
17      authoritative answer.

18                  But, again, in personal capacity, my  
19      understanding is yes, he's referring to -- I think  
20      he's referring to capabilities as -- and 06:33:50  
21      specifically capability app pairs, and my  
22      understanding of that is the two have access to a  
23      capability. An app is whitelisted for it or is on  
24      a whitelist.

25                  MR. LOESER: Thank you. 06:34:07

Page 633

HIGHLY CONFIDENTIAL

1 Let's go off the record. 06:34:08

2 Mr. Schwing, I asked that last question

3 because you've made a lot of scope objections. I

4 just want to make it clear to you that I'm asking

5 these questions because this is a -- relates to 06:34:21

6 whitelisting, and so I want to make sure the record

7 was clear on that. I hope that satisfies that,

8 sir.

9 THE VIDEOGRAPHER: Okay. It's 6:52 p.m.

10 (Recess taken.) 06:34:33

11 THE VIDEOGRAPHER: We're back on the

12 record. It's 7:57 p.m.

13 (Exhibit 406 was marked for

14 identification by the court reporter and is

15 attached hereto.) 07:39:23

16 MR. LOESER: Let me introduce another

17 exhibit. Momentarily, Mr. Cross, you'll see an

18 email from Rob Boyle to Eddie O'Neil, Shirley Sun,

19 and Drew Lackman dated March 27th, 2019. Subject:

20 "Escalation deck Rev" with an attachment of a slide 07:39:41

21 deck.

22 Q. (By Mr. Loeser) And, Mr. Cross, who is

23 Rob Boyle?

24 MR. SCHWING: I'm sorry, Derek. Just to

25 be helpful. This is Exhibit 406 for the record, 07:40:12

Page 634

HIGHLY CONFIDENTIAL

1 right? 07:40:12

2 MR. LOESER: Yes. Yes, thank you for  
3 that. Exhibit 406.

4 I have not been reading the Bates numbers  
5 because -- frankly, it's just time, but the Bates 07:40:18  
6 numbers associated with the exhibit.

7 THE DEPONENT: I'm -- I'm not sure who  
8 Rob Boyle is, I'm afraid.

9 Q. (By Mr. Loeser) Okay. Do you know who  
10 Shirley Sun is? 07:40:39

11 A. No, I'm not sure who Shirley Sun is  
12 either.

13 Q. How about Drew Lackman?

14 A. I'm not sure who Drew -- Drew Lackman is  
15 either. 07:40:52

16 Q. And what about WS3.h? Do you know what  
17 that is?

18 A. I don't know what W3.h -- WS3.h is  
19 either, I'm afraid, no.

20 Q. Do you know what the escalation referred 07:41:07  
21 to concerns?

22 A. I -- I don't, I'm afraid.

23 (Exhibit 407 was marked for  
24 identification by the court reporter and is  
25 attached hereto.) 07:41:18

Page 635

## HIGHLY CONFIDENTIAL

1 Q. (By Mr. Loeser) Why don't we go to the 07:41:18  
2 deck itself, which is attached.

3 And while we're loading up the next  
4 exhibit, 407, Mr. Cross, I take it you reviewed  
5 that email and the attached deck in advance of your 07:41:33  
6 testimony today?

7 A. I did -- I did review these documents.  
8 You sent over a lot of documents. I did my best,  
9 but there was quite a lot to get through.

10 Q. Oh, I understand. 07:41:48

11 Did you make any effort to contact  
12 Mr. Boyle, Ms. Sun, or Mr. Lackman?

13 A. I did not make efforts to contact them.

14 Q. How about Eddie O'Neil?

15 A. I did not make efforts to contact 07:42:03  
16 Eddie O'Neil after receiving these documents.

17 Q. And I'll try and -- I don't have a lot of  
18 questions about this deck, but I have a few.

19 So if you look at the first slide, it  
20 says "WS3.j escalation process proposal 07:42:15  
21 March 2019."

22 Did I read that correctly?

23 A. You read that correctly. Do you mind if  
24 you -- do you mind if I just take a --

25 Q. Yeah, yeah. 07:42:26



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Q. And why was that process implemented?

13

MR. SCHWING: Outside the scope.

14

THE DEPONENT: I -- I'm not sure the full

15

details of -- of why that process was implemented.

07:45:31

16

I can talk from my -- my personal understanding,

17

but I'm not aware of the full set of reasons why --

18

why that was implemented.

19

Q. (By Mr. Loeser) What are the reasons

20

that Facebook had for implementing that process?

07:45:48

21

Any of the reasons?

22

MR. SCHWING: Same objection.

23

Go ahead.

24

THE DEPONENT: So, again, so some of the

25

reasons I understand that -- that this was

07:45:59

Page 638

HIGHLY CONFIDENTIAL

1 introduced was to ensure that appropriate gating 07:46:01  
2 mechanisms were being used, that the implementation  
3 of the APIs was using Facebook's modern coding  
4 standards, and that there were policies and  
5 procedures documented about the purpose of the API 07:46:24  
6 and who it was made available to.

7 Q. (By Mr. Loeser) And was there a  
8 particular event that prompted Facebook to  
9 undertake these efforts?

10 MR. SCHWING: Outside the scope. 07:46:42

11 THE DEPONENT: Sorry, Austin. Say again.

12 MR. SCHWING: I said outside of the  
13 scope.

14 But -- if you know in your personal  
15 capacity, go ahead. 07:46:50

16 THE WITNESS: Yeah, I'm not sure I can  
17 give -- a companywide answer there. My  
18 understanding is that this happened after the  
19 Cambridge Analytica situation broke and that was  
20 one of the driving reasons. 07:47:03

21 Q. (By Mr. Loeser) And if you go to slide

22 [REDACTED]

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13 Q. And what does Facebook mean by "high risk  
14 but high value"?

15 MR. SCHWING: Object to the extent it's 07:48:02  
16 outside the scope of topics 6 and 7.

17 THE DEPONENT: I'm -- I'm not confident  
18 in -- in -- I don't think I can answer on behalf of  
19 the company there. I wasn't involved in this -- in  
20 this process, so -- and I haven't seen the -- the 07:48:13  
21 documentation or the -- the -- what was used to --  
22 to make that determination. So I'm not sure I can  
23 answer that, I'm afraid.

24 Q. (By Mr. Loeser) Were there APIs and  
25 platform products that emitted friend data that 07:48:30

Page 640

HIGHLY CONFIDENTIAL

1 were considered high risk and high value? 07:48:34

2 A. As I said, I'm not entirely -- I'm not  
3 confident in which APIs specifically were  
4 categorized in each -- in each of these buckets.

5 So I couldn't give you an answer, I'm afraid. 07:48:48

6 Q. So who would at Facebook would know if  
7 there are APIs that emit friend data that are  
8 considered high risk and high value?

9 MR. SCHWING: Object to form.

10 THE DEPONENT: Sorry. The -- the 07:49:02  
11 question there -- the question you asked you had a  
12 tense in it that was present, whereas we're  
13 reviewing a deck here from the past. So sorry.

14 Is your question about today or about  
15 the -- the process being described in this 07:49:16  
16 document?

17 Q. (By Mr. Loeser) Well, let's start with  
18 the process described in this document.

19 A. I would need to understand who was  
20 involved in creating this -- this process and then 07:49:33  
21 speak to them as to like -- how this determination  
22 was made.

23 Q. And how would you find out who was  
24 involved in creating this process?

25 A. I would attempt to ping the -- the -- the 07:49:50

Page 641

5 | that, slide 16. 407. 07:50:25

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MR. SCHWING: Object to form. Outside

07:52:59

6

the scope.

7

THE DEPONENT: Sorry. I think this --

8

this slide suggests an estimate of things which

9

might be escalated, but I'm not sure that is

10

reflective of ultimately what was done or the

07:53:13

11

proportions that were escalated, retained, or

12

deprecated.

13

Q. (By Mr. Loeser) And how would you find

14

the answer to what was actually done?

15

A. I would try and determine who was

07:53:26

16

involved in this effort and -- and ask them some

17

more detailed questions.

18

Q. And you would do that by pinging the

19

author of this deck to start?

20

MR. SCHWING: Outside the scope.

07:53:41

21

THE DEPONENT: So my starting -- my

22

starting point in trying to determine that would be

23

to -- to -- to find the author of this deck and

24

attempt to ask them questions about what was done.

25

Q. (By Mr. Loeser) Okay. Let's go back to

07:53:55

Page 644

HIGHLY CONFIDENTIAL

1 slide 17. 07:53:57

2 Sorry.

3 And this is the slide that has the header

4 "Directors make the final decision to retain or

5 escalate and summarize the justification," correct? 07:54:12

6 A. I see that, yeah.

7 Q. And do you see the bullets on the right  
8 side?

9 A. I do.

10 Q. The first bullet is "Each product will be 07:54:20  
11 rolled up its closest director," right?

12 A. Yup, I see that.

13 Q. And the next bullet says "We will ask  
14 them to make a final decision on which products  
15 they want to justify retaining and to complete a 07:54:33  
16 one-slide template for each explaining why its  
17 value is worth the risk it creates."

18 Did I read that correctly?

19 A. You read that correctly.

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MR. SCHWING: Calls for speculation.

12

Outside the scope.

13

THE DEPONENT: I'm not sure what was

14

expected to be put in this slide. It wouldn't be

15

related to -- to a specific app, no.

08:03:54

16

Q. (By Mr. Loeser) What would it be related

17

to?

18

MR. SCHWING: Same objections.

19

THE DEPONENT: Again, I don't know what

20

it would be related to. There's no detail here of

08:04:03

21

exactly what is expected in terms of attribution.

22

I would expect that would differ greatly based on

23

the API being assessed.

24

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Page 653

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08:08:50

on how this information was used.

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08:09:25

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MR. SCHWING: Object to form.

8

THE DEPONENT: It -- I -- I don't know

9

whether or not -- what -- what the result of this

10

process would have been and what the -- the

08:12:12

11

specifics as to what happened next likely depended

12

on a number of factors that I -- that I'd be

13

speculating about. So it's hard -- hard to give an

14

answer.

15

I don't know exactly what happened in

08:12:26

16

these decisions and what the resulting results

17

were.

18

Q. (By Mr. Loeser) Who at Facebook would

19

know whether the result of this process was a

20

whitelisting decision?

08:12:38

21

A. I don't know who at Facebook would --

22

would -- would know the answer to that question.

23

Q. If you go to the next exhibit.

24

MR. LOESER: We're going to pull up the

25

next exhibit. Exhibit 29.

08:13:12

Page 659

1 Q. (By Mr. Loeser) Mr. Cross, I'm showing 08:13:45  
2 you what's been previously marked as Exhibit 29,  
3 which is an email from Jackie Rooney to the  
4 management team dated March 22nd, 2018.

5	Do you see that?	08:14:03
---	------------------	----------

6	A. I see that.
---	----------------

7 Q. And the "to" says "M Team."

8 Is that the management team?

9 A. Yes, that would be Facebook's executive  
10 management team. 08:14:11

11 [REDACTED]

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20 Q. Mr. Cross, take a minute and -- and 08:14:44

21 review this -- this email, if you would.

22                   A.     I will do. Thank you.

23 MR. SCHWING: Mr. Loeser, is this a  
24 document that you provided us notice with in  
25 advance of this depo?

Page 660

HIGHLY CONFIDENTIAL

1 MR. LOESER: Yes. We can double-check 08:15:36

2 right now.

3 THE DEPONENT: Okay. Yes, I have

4 reviewed the document.

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED]

12 MR. SCHWING: I'm going to state for the

13 record that I don't believe that this was noticed

14 as a document that we were going to be providing

15 testimony on today. 08:16:33

16 So, Mr. Cross, it may have been provided

17 earlier.

18 I just want to make sure Mr. Cross has

19 the opportunity to -- to take a look at it.

20 MR. LOESER: Well, yeah. It was 08:16:47

21 provided. I don't know if it was provided for

22 today. There was a subset of documents --

23 MR. SCHWING: Yeah.

24 MR. LOESER: -- it wasn't.

25 MR. SCHWING: I think Mr. Melamed 08:16:55

Page 661

HIGHLY CONFIDENTIAL

1 indicated -- and I don't want to take much time on 08:16:56  
2 this -- indicated that the only documents we needed  
3 to be ready on were the ones that he identified in  
4 his email.

5 So, Mr. Cross, it's -- I'll allow the 08:17:03  
6 questioning on it.

7 I just want to make sure Mr. Cross has an  
8 opportunity to review it, since it wasn't  
9 identified.

10 So, Mr. Cross, just let us know when 08:17:12  
11 you're ready and we'll continue.

12 MR. LOESER: And for the record,  
13 Mr. Melamed identified the documents that were  
14 subject to the notices for which he was  
15 responsible. We previously provided Mr. Cross with 08:17:20  
16 a series of documents for his examination, and this  
17 was included.

18 MR. SCHWING: Okay. Well, I don't want  
19 to take up too much time here.

20 We also received notice with respect to 6 08:17:30  
21 and 7. There's no problem with asking questions  
22 about it. It's fine. We'll just --

23 Go ahead and take your time, Mr. Cross,  
24 to look at it, and then when you're ready, just let  
25 us know. 08:17:41

Page 662

HIGHLY CONFIDENTIAL

1 THE DEPONENT: Yeah. Please -- please 08:17:48

2 ask your questions, Mr. Loeser.

3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

Page 663



HIGHLY CONFIDENTIAL

1 MR. SCHWING: Object to the form. 08:18:57

2 Outside the scope.

3 THE DEPONENT: I couldn't comment on --

4 I'm not sure I -- I can comment on what -- what

5 this is referring to from a company's perspective. 08:19:07

6 I haven't -- I haven't prepared -- it's not

7 something I'm an expert on in terms of -- the comms

8 work around this at the time.

9 Q. (By Mr. Loeser) Well, Mr. Cross, I'm

10 asking you as Facebook's 30(b)(6) designee what 08:19:23

11 Facebook means by "mistakes" in this context.

12 Are you prepared to answer that question?

13 A. No, I'm not sure --

14 MR. SCHWING: Objection.

15 THE DEPONENT: Sorry. 08:19:34

16 MR. SCHWING: Outside the scope of topics

17 6 and 7.

18 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. (By Mr. Loeser) Mr. Cross, what is the

"breach of trust" referred to in this employee

communications sent by the management team?

MR. SCHWING: Same objections.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Page 666

HIGHLY CONFIDENTIAL

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MR. SCHWING: Outside of the scope of the  
witness. Object to form.

08:22:34

THE DEPONENT: Again, this -- the framing  
here is not something I'm an expert in, and so I  
don't feel I can answer on behalf of the company.

[REDACTED]

MR. SCHWING: Object to the scope.

Outside the scope. Object to form.

08:23:34

Page 667

HIGHLY CONFIDENTIAL

1 THE DEPONENT: So, again, I don't -- I 08:23:41  
2 don't feel like -- like I don't feel this an area  
3 of expertise of mine, and therefore I -- I don't  
4 feel able to provide an answer on behalf of the  
5 company as to specifically what's meant by that -- 08:23:51  
6 by that phrase.

7 Q. (By Mr. Loeser) Mr. Cross, we're going  
8 to introduce as an exhibit interrogatory responses  
9 by Facebook.

10 MR. LOESER: And for the record, this is 08:24:11  
11 Defendant Facebook, Inc.'s second amended responses  
12 and objections to plaintiff's fourth set of  
13 interrogatories.

14 It's a long document, and I'm only going  
15 to ask you questions about specific pages, so 08:24:26

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 MR. LOESER: Yes. It's Exhibit 128, and 08:25:09  
21 the date of the verification for the responses is  
22 February 11th, 2021. These were verified by Steven  
23 Elia and also by the person we've been referring to  
24 as KP.

25 Q. (By Mr. Loeser) Mr. Cross, your notes 08:25:33

Page 668

HIGHLY CONFIDENTIAL

1 that you produced following the first day of your 08:25:34  
2 testimony referred to Facebook's interrogatories  
3 responses.

4 Do you recall that?

5 A. I don't recall that. Let me -- let me 08:25:52  
6 review. Can you point to the thing that you're  
7 referencing there?

8 Q. In your notes?

9 A. Yeah.

10 Q. I can. I will have to take a moment to 08:26:17  
11 go find the notes, but -- but I can do that as  
12 well. Bear with us.

13 While we're looking for that, have you  
14 reviewed these signed interrogatories responses  
15 previously, Mr. Cross? 08:26:46

16 A. I have -- I have -- I have seen this  
17 document before, but it's extremely long. I've --  
18 I've looked at some parts of it. I couldn't say  
19 I've read every word.

20 Q. And did you have any role in -- in 08:26:59  
21 providing these responses?

22 A. No, I do not recall having any -- any  
23 role in -- in providing these responses.

24 MR. LOESER: We put your Exhibit 335 up.

25 THE DEPONENT: Thank you. 08:27:18

Page 669

HIGHLY CONFIDENTIAL

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MR. LOESER: In reference to your --

08:27:18

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Page 670

HIGHLY CONFIDENTIAL

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[REDACTED]

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Did I read that accurately?

08:29:58

Page 671



## HIGHLY CONFIDENTIAL

1 A. I think you read that accurately. 08:30:00

2 Q. Okay. And there are --

3 MR. SCHWING: I'm sorry, Mr. Loeser.

4 Just this is another document that wasn't

5 identified for this session. 08:30:07

6 So, Mr. Cross, I know it's a long

7 document. You certainly don't need to look at the

8 whole thing. But I think it's appropriate for you

9 to take a look at it and make sure for -- you're

10 ready to testify on it. 08:30:20

11 You know, let's not take too long, but do

12 please take a look and then can you answer

13 questions about it.

14 MR. LOESER: Why don't we go off the

15 record for a second. 08:30:34

16 MR. SCHWING: Okay.

17 THE VIDEOGRAPHER: Okay. Off the record.

18 It's 8:48 p.m.

19 (Recess taken.)

20 THE VIDEOGRAPHER: We're back on the 08:45:55

21 record. It's 9:04 p.m.

22 (Discussion off the stenographic record.)

23 [REDACTED]

[REDACTED]

[REDACTED]

[illegible]

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

2. The second part of the document focuses on the implementation of internal controls to prevent fraud and ensure the accuracy of financial data. It outlines the key components of a robust internal control system, including segregation of duties, authorization procedures, and regular monitoring and evaluation.

3. The third part of the document addresses the challenges faced by organizations in managing their financial resources effectively. It discusses the importance of budgeting, forecasting, and cost management, and provides practical tips for improving financial performance.

4. The fourth part of the document explores the role of technology in modern accounting and finance. It discusses the benefits of using accounting software, the importance of data security, and the need for ongoing training and development for accounting professionals.

5. The fifth part of the document concludes by emphasizing the importance of ethical behavior in the accounting profession. It discusses the role of accountants as trusted advisors and the need to adhere to high standards of integrity and professionalism.



Page 676

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HIGHLY CONFIDENTIAL

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I -- I'm not sure of how -- of giving sort of an  
answer to that question.

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Q. Okay. Let's look at page 68, which has  
Interrogatory No. 15.

08:54:14

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And you'll see that on page 72 -- again  
you'll have to -- I'll represent to you that  
despite the numbering on page 72 which says  
Response No. 78, this is Facebook's response to  
Interrogatory No. 15. And I'll read the first  
paragraph here and then I have a few questions to  
ask you.

08:54:43

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Page 678

Page 679



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11/11/2016

13 logging was somehow incomplete previously?

15	THE DEPONENT: When you say "previously,"	08:58:10
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17 Q. (By Mr. Loeser) Right.

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Q. And who would you ask to answer that

09:00:10

Page 681

HIGHLY CONFIDENTIAL

1 question? 09:00:11

2 A. I would attempt to speak to someone on  
3 the platform engineering team to -- to determine if  
4 there is -- was such a facility and if there are  
5 records of when it was used. 09:00:27

6 Q. You used the expression "source of truth"  
7 before. Is there a person who would be the source  
8 of truth for that information.

9 MR. SCHWING: Calls for speculation.

10 THE DEPONENT: Excuse me. 09:00:41

11 There's likely no one person that's the  
12 source of truth. There are people that have  
13 knowledge of how these systems worked who might be  
14 able to shed light on it. So I think that's -- the  
15 best we'd have. 09:01:00

16 Q. (By Mr. Loeser) Okay. Now, post 2020,  
17 you testified that there's a system that does track  
18 the information that is emitted to APIs for third  
19 parties; is that right?

20 A. That's my understanding -- 09:01:14

21 MR. SCHWING: Hold on --

22 THE DEPONENT: I keep doing that. Sorry,  
23 Austin. You go.

24 MR. SCHWING: I think it misstates his  
25 testimony -- well, it may mistake his testimony. 09:01:23

Page 682

4 MR. LOESER: I'll just ask another  
5 question. 09:01:33

[illegible]

HIGHLY CONFIDENTIAL

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MR. LOESER: Flip forward many pages in

these interrogatories to page 355. And you'll see

that Interrogatory No. 27 is -- asks Facebook to

"identify by name and time period all third parties

to whom Facebook granted whitelisted access, the

time period of the grant of whitelisted access, and

the third parties for which such access was

granted."

Do you see that?

A. Yeah. Can you just give me a few minutes

to read around this -- this area.

Q. Sure.

A. Okay. Sorry.

Do you -- do you have a question?

(Discussion off the stenographic record.)

Q. (By Mr. Loeser) So I'm referring you to

page -- the page we're looking at, 358. I'm going

09:03:25

09:03:54

09:04:03

09:05:39

Page 684

A horizontal bar chart titled 'U.S. should take action to address climate change' showing the percentage of respondents who believe the U.S. should take action to address climate change. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The y-axis lists the demographic groups, and the x-axis shows the percentage from 0 to 100. The bars are colored by age group: 18-29 (dark blue), 30-49 (medium blue), 50-69 (light blue), and 70+ (very light blue). The chart shows that younger age groups are more likely to believe the U.S. should take action to address climate change, with 18-29 year olds at 94% and 70+ year olds at 78%. Males are more likely than females to believe the U.S. should take action to address climate change, with males at 88% and females at 82%.

Age Group	Gender	Percentage
18-29	Male	94%
18-29	Female	92%
30-49	Male	88%
30-49	Female	86%
50-69	Male	82%
50-69	Female	80%
70+	Male	78%
70+	Female	76%

16	A. I see that.
----	----------------

19           A.     Facebook began removing access to Graph

24 Q. And so if an extension went past

Page 685

HIGHLY CONFIDENTIAL

1 more than six months after Graph API version 1 was 09:07:03  
2 implemented, right?

3 A. Sorry. Can you say that again.

4 Q. Sure.

5 You just indicated that the -- the 09:07:15  
6 deprecation occurred in May of 2015. That's when  
7 that process was completed.

8 This answer indicates that extensions  
9 were for less than six months with one exception,  
10 and I'm just trying to understand the timeline. 09:07:29

11 So if you go to December of 2015, that's  
12 more than six months after May of 2015; is that  
13 right?

14 A. December is -- December 2015 is more than  
15 six months after May 2015, yes. 09:07:43

16 Q. Okay. So any extension that lasted past  
17 December of '15 must have been more than six  
18 months, right?

19 A. I think -- I think that -- that's true,  
20 yes. 09:08:01

21 Q. Let's take a look at -- if you will note  
22 that starting on page 360 is the list referred to  
23 in the paragraph I just read, and it's many, many  
24 pages. But I'll just have you pick any page,  
25 frankly. Let's take this page. 09:08:19

Page 686

HIGHLY CONFIDENTIAL

1 And if you look at the headers across the 09:08:21

2 top, there's -- there's a column for "Entity."

3 Do you see that?

4 A. I see that.

5 Q. And then "app name." 09:08:33

6 Do you see that?

7 A. I see that.

8 Q. And "app creation date."

9 Do you see that?

10 A. I see that. 09:08:39

11 Q. And then "access end date."

12 Do you see that?

13 A. I see that.

14 Q. And then "friend permissions."

15 Do you see that? 09:08:48

16 A. I see that.

17 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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Page 687



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[REDACTED]

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MR. SCHWING: Outside the scope. Object

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to form.

09:10:35

Page 688

HIGHLY CONFIDENTIAL

1 THE DEPONENT: I -- as I say, like I'm 09:10:38  
2 not an expert in -- in how this information was  
3 pulled or -- or the caveats behind it or the -- or  
4 the precise formulation of -- of the end date and  
5 how that was determined, and so I don't feel I can 09:10:52  
6 give an answer to that question, I'm afraid.

[illegible]

Page 689

[illegible]

HIGHLY CONFIDENTIAL

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13

Did I read that correctly?

14

A. I -- you did read that correctly.

15

Can I have a few minutes to -- to

09:14:23

16

understand the context here?

17

Q. Yes, of course.

18

MR. SCHWING: Derek, would you remind me

19

what page you were reading from?

20

MR. LOESER: I was reading from page 372.

09:14:36

21

MR. SCHWING: Thank you.

22

THE DEPONENT: Okay. I've had a chance

23

to read now. Thank you.

24

Q. (By Mr. Loeser) Okay. Sure.

25

And so the description I just read is

09:15:46

Page 691

HIGHLY CONFIDENTIAL

1 broken down into -- the list has several different 09:15:56

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. SCHWING: Misstates testimony.

25 Object to form. 09:17:13

Page 692

HIGHLY CONFIDENTIAL

1 THE DEPONENT: I would term any -- any 09:17:19  
2 app that was using the Facebook developer platform  
3 in -- in my explanation there, the Facebook  
4 developer platform refers to the APIs and services  
5 that were available to third-party developers, and 09:17:34  
6 so integration partners would be using the -- the  
7 Facebook developer platform.

8 Q. (By Mr. Loeser) And do business  
9 integrations use the Facebook developer platform?

10 A. Yes, I think it would be fair to say 09:17:50  
11 business integration use the Facebook developer  
12 platform.

13 Q. Do media integrations use the Facebook  
14 developer platform?

15 A. I'm not sure what's meant by "media 09:18:04  
16 integrations" here, but there may have been APIs  
17 made available through the Facebook developer  
18 platform for -- for media organizations.

19 Q. And do search integrations use the  
20 Facebook developer platform? 09:18:20

21 A. Again, I -- I would term that if they're  
22 using APIs that that would be a part of the  
23 Facebook developer platform.

24 Q. And do beta test APIs use the Facebook  
25 developer platform? 09:18:41

Page 693

HIGHLY CONFIDENTIAL

1           A.    Yes, I -- I would term, again, here that                   09:18:44  
2    if -- if it's an API that's -- that's made  
3    available by the Graph API, then I would have  
4    considered that to be the Facebook developer  
5    platform.   09:18:57

6           Q.    If you go the next page.  
7                   Do specialized consumer experiences use  
8    the Facebook developer platform?

9           A.    Again, here I'm -- the Facebook developer  
10   platform is a -- a term that I'm using here.   I'm                   09:19:12  
11   not sure it's been defined anywhere -- anywhere  
12   else.   So it's a term that I'm using here.

13                  So this -- these, to me, would include  
14   things that -- that use the Facebook developer  
15   platform, yes.   09:19:34

16          Q.    Okay.   And -- so what is the distinction  
17   from Facebook's perspective between integration  
18   partners and business integrations?

19                  MR. SCHWING:   Outside the scope.   Object  
20   to form.   09:19:51

21                  THE DEPONENT:   I'm not confident in --  
22   like I am not sure I can shed light on that beyond  
23   what the definitions are -- are here.   Integration  
24   partners are -- a defined -- defined in this  
25   document and listed here, and business integrations                   09:20:12

Page 694

HIGHLY CONFIDENTIAL

1 would be things other than those. 09:20:18

2 Q. (By Mr. Loeser) Does Facebook, the  
3 company, have a -- an understanding of the  
4 difference between integration partners and  
5 business integrations?

09:20:30

6 MR. SCHWING: Outside the scope. Object  
7 to form.

8 THE DEPONENT: I'm not sure I can answer  
9 that on behalf of the company beyond what's listed  
10 here. Integration partners have been -- a  
11 well-defined -- or defined in this document, but  
12 business integrations is -- is defined here with  
13 some illustrative examples.

09:20:45

14 Q. (By Mr. Loeser) So the list that's  
15 provided after this information about different  
16 types of partners covers pages 377 to 460, and

09:20:59

17 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24 And you see if we go to page 377, at the

25 top there's a header line, and the first entry is

09:21:39

Page 695



HIGHLY CONFIDENTIAL

1 "name of application whitelisted for capability." 09:21:43

2 Do you see that?

3 A. I see that.

4 Q. And there's a "capability name" column?

5 A. I see that. 09:21:52

6 Q. "Associated data."

7 Do you see that?

8 A. I see that.

9 Q. And then "date access granted."

10 Do you see that? 09:21:59

11 A. I see that.

12 Q. "Date accessed revoked"?

13 A. I see that.

14 Q. And then it says "used since

15 October 2014." 09:22:06

16 Do you see that?

17 A. I see that.

18 Q. And the last column is "10 or fewer

19 installs."

20 Did I read that accurately? 09:22:13

21 A. You read that accurately.

22 Q. So where was the information obtained

23 from to populate this list?

24 MR. SCHWING: Object to outside the

25 scope. 09:22:29

Page 696

[illegible]



Page 698

HIGHLY CONFIDENTIAL

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09:25:56

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09:26:07

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09:26:23

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09:26:47

Page 699

MR. SCHWING: Objection. Outside the scope. Object to form.

THE DEPONENT: I'm not sure what -- I'm not able to comment on what was and was not included to -- to produce these -- these outputs.

Q. (By Mr. Loeser) Okay. So if those APIs had been included, would you expect to see them identified somewhere in this list?

MR. SCHWING: Same objection.

THE DEPONENT: This list lists capabilities specifically, as I understand it. And so this is a list of capabilities that were deemed by the authors of this document to potentially emit friend data.

Q. (By Mr. Loeser) Okay. This is a list,

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Do you see that description?

09:27:51

21

A. I see that description, yes.

22

Q. And that description would apply to, for

23

example, the Groups API, right?

24

MR. SCHWING: Outside the scope.

25

Go ahead.

09:28:01

Page 700

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Q. (By Mr. Loeser) Okay. So if the

plaintiffs in this case asked Facebook to provide a

list of all of the -- any other API that emitted

friend data that was not already covered by the

list we've just gone through, that is something

Facebook could do, right?

MR. SCHWING: Outside the scope. Object

to the form.

THE DEPONENT: I'm not able to comment on

what -- on what Facebook can or can't do, given the

APIs and the -- the data retention information that

exists. So it's hard for me to -- to know and

09:32:27

09:32:42

09:32:57

Page 704

HIGHLY CONFIDENTIAL

1 answer without whether or not that would be 09:33:00  
2 possible.

3 Q. (By Mr. Loeser) Mr. Cross, are all of  
4 the -- the apps identified on this list cover or  
5 covering pages 377, 460 considered strategic use 09:33:18  
6 cases?

7 MR. SCHWING: Outside the scope. Object  
8 to form.

9 THE DEPONENT: As we've talked about  
10 here, there's -- there's no standard or formal 09:33:37  
11 definition for -- for what's considered a strategic  
12 use case or a strategic partner. So I -- I -- so  
13 your question was -- sorry. Ask -- I think your  
14 question was is everything on this list considered  
15 a strategic partner; is that -- 09:33:56

16 Sorry. Let me say: Can you ask your  
17 question again, please? Thanks.

18 Q. (By Mr. Loeser) Are all the apps  
19 identified on this list considered a strategic use  
20 case? 09:34:09

21 MR. SCHWING: Same objections.

22 THE DEPONENT: So I -- there's no --  
23 there's no standard or formal definition of what's  
24 considered a strategic partner or a strategic use  
25 case, so I couldn't comment on whether or not 09:34:25

Page 705

HIGHLY CONFIDENTIAL

1 everything on this list is therefore considered 09:34:26  
2 strategic -- a strategic -- sorry -- is therefore  
3 considered a strategic use case.

4 Q. (By Mr. Loeser) So does Facebook have a  
5 record for each one of these apps of the reasons 09:34:35  
6 why the app was allowed to continue having access  
7 to friend data after 2015?

8 MR. SCHWING: Object to form. Outside  
9 the scope.

10 THE DEPONENT: I don't know what Facebook 09:34:54  
11 has about each of these applications and -- and why  
12 they continue to have access. It's possible there  
13 are records for some, but I -- I don't know if  
14 there's a record for every single one.

15 Q. (By Mr. Loeser) Okay. We can put that 09:35:42  
16 document aside.

17 (Exhibit 408 was marked for  
18 identification by the court reporter and is  
19 attached hereto.)

20 MR. LOESER: So I'm showing you an 09:36:26  
21 exhibit which is Exhibit 408, which a  
22 December 18th, 2018 Facebook Newsroom post.

23 What is the Facebook Newsroom?

24 THE DEPONENT: The Facebook Newsroom is  
25 Facebook's corporate blog. 09:36:44

Page 706

HIGHLY CONFIDENTIAL

1 Q. (By Mr. Loeser) And is that a place 09:36:49  
2 where Facebook employees provide information to  
3 each other about Facebook products?

4 A. No, I wouldn't characterize it as a -- a  
5 way of Facebook employees providing information to 09:37:03  
6 each other about Facebook's products.

7 Q. Okay. What is the purpose of the  
8 Facebook Newsroom?

9 A. My understanding is it's a public blog  
10 that Facebook publishes blog posts publicly. 09:37:15

11 Q. And this blog post by -- by KP is  
12 captioned or titled "Let's clear up a few things  
13 about Facebook partners," right?

14 A. I see that.

15 Q. And you see it's written by KP, director 09:37:38  
16 of developer platforms and programs?

17 Do you see that?

18 A. I see that, yeah.

19 Q. So if we go down the blog a little bit.

20 KP writes: "Today, we're facing 09:37:48  
21 questions about whether Facebook gave large tech  
22 companies access to people's information and, if  
23 so, why we did this."

24 Do you see that?

25 A. I see that. 09:38:00

Page 707

HIGHLY CONFIDENTIAL

1 Q. And we've talked about some of the 09:38:02  
2 reasons why Facebook did this. And KP writes: "To  
3 put it simply, this work was about helping people  
4 do two things. First, people could access their  
5 Facebook accounts or specific Facebook features on 09:38:16  
6 devices and platforms built by other companies like  
7 Apple, Amazon, BlackBerry, and Yahoo. These are  
8 known as integration partners. Second, people  
9 could have more social experiences -- like seeing  
10 recommendations from their Facebook friends -- on 09:38:31  
11 other popular apps and websites like Netflix, the  
12 New York Times, Pandora, and Spotify."

13 Right?

14 A. I see that, yeah.

15 Q. Now, that's not a complete list of the 09:38:44  
16 types of partners that were given access to  
17 information by Facebook, is it?

18 MR. SCHWING: Object to the scope.  
19 Object to form.

20 THE DEPONENT: There are a -- a small 09:39:01  
21 number of companies listed here or integrations  
22 listed here. I wouldn't characterize that as a  
23 full list.

24 Q. (By Mr. Loeser) What are the -- other  
25 types that are missing from this list? 09:39:14

Page 708

HIGHLY CONFIDENTIAL

1 MR. SCHWING: Same objections. 09:39:17

2 THE DEPONENT: When you say "other types  
3 missing," like I'm not sure what you mean.

4 [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 And -- you see all those different types  
15 of partners?

09:40:31

16 A. I see a list of --

17 I'm sorry.

18 MR. SCHWING: Sorry. Outside the scope.

19 Go ahead.

20 THE DEPONENT: So I see a list of 09:40:39

21 categorizations used in -- in the rog responses.

22 Q. (By Mr. Loeser) Okay. And so can you  
23 tell which of those are not included in KP's public  
24 posts about partners with whom Facebook shared  
25 information?

09:41:00

Page 709

HIGHLY CONFIDENTIAL

1 MR. SCHWING: Outside of the scope. 09:41:01

2 Object to form.

3 THE DEPONENT: Like -- yeah, I -- I don't

4 think I can give a authoritative explanation of --

5 of the mapping between these two things. I'm not 09:41:16

6 sure it's intended to be an authoritative mapping.

7 Q. (By Mr. Loeser) So KP was communicating

8 publicly about -- to explain to people whether

9 Facebook gave large tech companies access to

10 people's information, and if so, why, right? 09:41:37

11 MR. SCHWING: Object to outside the

12 scope. Object to form.

13 THE DEPONENT: So that's the -- those are

14 the words written in the blog post.

15 Q. (By Mr. Loeser) Okay. So he explained 09:41:48

16 why information was given to some partners but

17 not -- he didn't provide a complete description of

18 the partners to whom information was given by

19 Facebook, right?

20 MR. SCHWING: Same objections. 09:41:59

21 THE DEPONENT: There are -- he's

22 listed -- you know, given four and four example

23 here, and as we reviewed on the -- on the list,

24 there are -- there are other examples.

25

Page 710

[illegible]



[illegible]

[illegible]

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MR. SCHWING: I just want to note that

we're five minutes past our designated stopping

time of 10:00 p.m. London time. I think there will

be additional questioning, an additional session of

the depo. I think this would be a good moment to

stop.

MR. LOESER: Well, I'm in the middle of

09:47:09

09:47:26

Page 714

HIGHLY CONFIDENTIAL

1 questioning about this document, and I think 09:47:27  
2 it's -- probably make sense to finish that  
3 questioning. And then I'm quite close to the end.  
4 We can either stop after this document or if  
5 Mr. Cross wants to power through two more 09:47:36  
6 documents, three more documents, that will be all  
7 he'll hear from me.  
8 But why don't we finish with this  
9 document and then go off the record to decide  
10 whether we have the ability to do a bit more or if 09:47:47  
11 we should wrap it up today.  
12 Is that okay, Mr. Cross?  
13 THE DEPONENT: I'm comfortable finishing  
14 this document, but I think we should probably break  
15 after that. 09:48:02  
16 Q. (By Mr. Loeser) So when KP writes "none  
17 of these partnerships or features gave companies  
18 access to information without people's permission,"  
19 that wasn't actually true, was it?  
20 MR. SCHWING: Object to form. It's 09:48:13  
21 outside the scope.  
22 THE DEPONENT: I -- I can't comment on  
23 the -- on the -- the -- what was meant by -- in  
24 this blog post or how this blog post was formulated  
25 and what was meant by it. 09:48:29

Page 715

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Page 718

## HIGHLY CONFIDENTIAL

1 MR. SCHWING: All right. I note for the 10:38:20  
2 record that the parties have agreed that the  
3 deposition testimony will be treated as "Highly  
4 Confidential." The witness will review the  
5 testimony and provide any corrections, and we will 10:38:32  
6 also be reviewing the testimony given here today to  
7 make further distinctions about the confidential  
8 treatment of the materials.

9 SPECIAL MASTER GARRIE: So noted.

10 Counsel Loeser, any comment before we go 10:38:47  
11 off the record?

12 MR. LOESER: No. Just obviously we  
13 appreciate the designation. I don't think we agree  
14 with the designations, and understand you will be  
15 reviewing it for distinctions that may come up with 10:38:57  
16 different portions of the testimony.

17 MR. SCHWING: Thank you.

18 SPECIAL MASTER GARRIE: So noted for the  
19 record.

20 We can go off the record. 10:39:07

21 THE VIDEOGRAPHER: Okay. We are off the  
22 record. It's 10:57 p.m.

23 (TIME NOTED: 10:57 p.m.)

24

25 ---o0o--- 10:39:12

Page 719



1 I, Rebecca L. Romano, a Registered  
2 Professional Reporter, Certified Shorthand  
3 Reporter, Certified Court Reporter, do hereby  
4 certify:

5 That the foregoing proceedings were taken  
6 before me remotely at the time and place herein set  
7 forth; that any deponents in the foregoing  
8 proceedings, prior to testifying, were administered  
9 an oath; that a record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; that the foregoing  
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal  
15 Case, before completion of the proceedings, review  
16 of the transcript [X] was [ ] was not requested.

17 I further certify I am neither financially  
18 interested in the action nor a relative or employee  
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

22  
23 Dated: June 8, 2022



Rebecca L. Romano, RPR, CCR

24  
25 CSR. No 12546

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME III, JOB NO. 5265189

## E R R A T A S H E E T

PAGE 514 LINE 3 CHANGE "or not which" to "or not"

REASON misspoke

PAGE 515 LINE 15 CHANGE "to the" to "to as the"

REASON transcription error

PAGE 517 LINE 4 CHANGE "have considered" to "have been considered"

REASON transcription error

PAGE 518 LINE 2 CHANGE "company's" to "companies"

REASON transcription error

PAGE 518 LINE 2 CHANGE "that the" to "that"

REASON misspoke

PAGE 518 LINE 10 CHANGE "there's" to "if there's"

REASON misspoke



21 July 2022

WITNESS

Date

Page 724

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME III, JOB NO. 5265189

## E R R A T A S H E E T

PAGE 522 LINE 8 CHANGE "to user" to "to the user"

REASON transcription error

PAGE 527 LINE 13 CHANGE "the Facebook" to "Facebook"

REASON transcription error

PAGE 529 LINE 11 CHANGE "would be useful is if" to "if it would be useful"

REASON misspoke

PAGE 538 LINE 24 CHANGE "integration" to "an integration"

REASON misspoke

PAGE 553 LINE 6 CHANGE "were there" to "there were"

REASON transcription error

PAGE 558 LINE 12 CHANGE "this is" to "this is a"

REASON transcription error

21 July 2022

WITNESS

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME III, JOB NO. 5265189

## E R R A T A S H E E T

PAGE 564 LINE 25 CHANGE [REDACTED]

REASON transcription error

PAGE 579 LINE 22 CHANGE [REDACTED]

REASON misspoke

PAGE 589 LINE 25 CHANGE [REDACTED]

REASON transcription error

PAGE 595 LINE 12 CHANGE "to difficult" to "to be difficult"

REASON transcription error

PAGE 606 LINE 4 CHANGE "privilege" to "privileged"

REASON transcription error

PAGE 639 LINE 1 CHANGE "was to" to "to"

REASON misspoke



21 July 2022

WITNESS

Date

HIGHLY CONFIDENTIAL

RE: FACEBOOK, INC., CONSUMER USER PROFILE LITIGATION  
SIMON CROSS, VOLUME III, JOB NO. 5265189

## E R R A T A S H E E T

PAGE 677 LINE 15 CHANGE [REDACTED]

REASON transcription error

PAGE 677 LINE 15 CHANGE [REDACTED]

REASON transcription error

PAGE 693 LINE 11 CHANGE "integration" to "integrations"

REASON transcription error

PAGE 698 LINE 6 CHANGE [REDACTED]

REASON misspoke

PAGE 703 LINE 23 CHANGE [REDACTED]

REASON transcription error

PAGE \_\_\_\_\_ LINE \_\_\_\_\_ CHANGE \_\_\_\_\_

REASON \_\_\_\_\_

21 July 2022

WITNESS

Date

Page 724

HIGHLY CONFIDENTIAL

[&amp; - 3000]

<b>&amp;</b>	<b>12/18/2018</b> 504:4	<b>2,300</b> 619:6,12	<b>2019</b> 504:14
<b>&amp;</b> 496:14 497:19	<b>1201</b> 498:10	629:13,15	510:12 634:19
499:5 500:5 501:5	<b>12546</b> 496:21	<b>2.0</b> 531:19	636:21 657:4
503:15 506:20,24	721:25	<b>20</b> 510:11	<b>2020</b> 679:18 680:1
542:17 543:21	<b>128</b> 505:15 668:20	<b>20-0466</b> 496:22	680:16 681:9
722:23 723:9	670:24	<b>2001</b> 500:18	682:16 683:7,10
<b>0</b>	<b>12th</b> 499:11	<b>2009-11-13</b> 688:15	683:12,24 697:7
<b>0000582988</b>	<b>14</b> 572:3 637:7	<b>2011</b> 529:13	697:14,18
503:23	643:14 670:22	<b>2012</b> 529:13	<b>2021</b> 668:22
<b>0000582989</b>	671:1	712:17	<b>2022</b> 496:16
503:24	<b>15</b> 565:2 572:3	<b>2013</b> 503:11 515:9	497:18 506:1,7
<b>00199890</b> 503:13	676:21 678:5,10	541:12 542:13	720:7 721:23
<b>00199891</b> 503:18	686:17 687:19,25	543:9 548:24	722:3,5
<b>00199898</b> 503:19	699:5	549:18 550:7	<b>2025.520</b> 722:9,12
<b>01789112</b> 505:7	<b>16</b> 642:5	551:7,16,18	<b>206</b> 498:13
<b>01789115</b> 505:8	<b>1600</b> 499:12	553:21 554:18	<b>21</b> 644:2
<b>02088254</b> 504:16	<b>17</b> 637:7 642:3	555:21 566:3	<b>2100</b> 500:19
<b>02088257</b> 504:19	645:1 649:22	572:3 581:3 624:6	<b>213</b> 502:10
<b>02088279</b> 504:20	<b>18</b> 496:4 497:4	<b>2014</b> 515:9 531:24	<b>214</b> 500:21
<b>02843</b> 496:4 497:4	505:5 637:7	536:25 544:5	<b>22nd</b> 660:4
<b>02906764</b> 504:6	<b>1801</b> 501:8	564:16 565:1	<b>23</b> 660:12
<b>02906766</b> 504:11	<b>1881</b> 501:16	581:17 582:10,12	<b>253-9706</b> 502:10
<b>02906770</b> 504:12	<b>18th</b> 602:18	582:15 663:20	<b>27</b> 504:14 684:11
<b>1</b>	706:22	664:20 665:2	691:2 699:6
<b>1</b> 560:23,25 561:6	<b>1a</b> 553:25 556:8	696:15	<b>27th</b> 634:19
577:11 579:20	557:19 568:14	<b>2015</b> 549:18	<b>2843</b> 496:3 497:3
585:16 604:3,13	572:9,14,16,17	564:17 604:19	<b>29</b> 505:13 659:25
604:14 642:6	<b>1b</b> 553:25 556:8	623:24 679:14	660:2
685:17 686:1	570:5	685:11,18,20,22	<b>298-5735</b> 501:11
723:1	<b>1st</b> 581:17 582:10	685:25 686:6,11	<b>3</b>
<b>10</b> 696:18	621:6	686:12,14,15	<b>3</b> 506:9 556:8
<b>100</b> 562:8 670:15	<b>2</b>	687:20 706:7	562:9 604:6
702:5 713:10	<b>2</b> 531:23 532:13	<b>2016</b> 685:14	606:25 608:23
<b>10:00</b> 714:21	545:7 554:2 556:8	<b>2018</b> 505:5 511:6	<b>3.0</b> 531:13,14,18
<b>10:10</b> 718:22	561:17 565:22	513:13 602:18	532:3,6 536:6
<b>10:57</b> 718:25	571:13 579:20	610:16 621:6	<b>30</b> 496:12 503:11
719:22,23	585:16 604:4	660:4,12 689:9	508:8 535:19
<b>11th</b> 668:22	605:21 608:24	690:20 706:22	595:14 598:7
<b>12</b> 689:25	609:2 642:15	714:9	664:10 723:1
	695:23	<b>2018-6-22</b> 688:18	<b>3000</b> 500:10

HIGHLY CONFIDENTIAL

[303 - access]

<b>303</b> 501:11 <b>30th</b> 541:12 542:13 582:15 <b>3200</b> 498:11 <b>32nd</b> 502:8 <b>335</b> 669:24 <b>3491</b> 496:23 <b>355</b> 684:10 <b>358</b> 684:25 <b>360</b> 686:22 688:11 699:3 <b>372</b> 690:24 691:20 692:3 700:10 709:6 <b>373</b> 709:6 <b>377</b> 695:16,24 699:3 705:5 <b>393-8200</b> 500:12 <b>3:36</b> 497:18 506:2 506:6	<b>445-4003</b> 499:14 <b>460</b> 668:17 695:16 705:5 <b>496</b> 496:25 <b>4:02</b> 526:6 <b>4:12</b> 526:9 <b>4:25</b> 536:19 <b>4:29</b> 536:22	<b>63</b> 670:17 671:1 672:24 <b>634</b> 504:14 <b>636</b> 504:18 <b>64</b> 676:14 <b>65</b> 676:13 677:1 <b>650</b> 501:18 <b>66</b> 677:1 <b>660</b> 505:13 <b>668</b> 505:15 <b>67</b> 677:2 <b>68</b> 678:4 <b>698-3204</b> 500:21 <b>6:52</b> 634:9 <b>6th</b> 506:6	<b>9</b> <b>9</b> 639:22 <b>90</b> 643:20 <b>90013</b> 502:9 <b>94105-0921</b> 500:11 <b>94304-1211</b> 501:17 <b>94607</b> 499:13 <b>98101</b> 498:12 <b>9:04</b> 672:21
	<b>5</b>		<b>a</b>
	<b>5</b> 563:23 637:7,11 <b>5/1/2014</b> 503:21 <b>508</b> 503:5 <b>5265189</b> 496:24 722:5 724:2 <b>53</b> 602:11 <b>540</b> 644:2 <b>541</b> 503:11 <b>543</b> 503:15 <b>555</b> 499:11 500:9 502:7 <b>581</b> 503:21 <b>584</b> 644:2 <b>599</b> 505:17 <b>5:12</b> 569:17 <b>5:25</b> 569:20 <b>5th</b> 502:7	<b>7</b> <b>7</b> 508:11 534:2,12 565:3 607:9 624:23 640:16 662:21 664:17 <b>706</b> 505:4 <b>72</b> 678:6,8 <b>724</b> 496:25 <b>7321</b> 721:24 <b>75201</b> 500:20 <b>77</b> 670:20 671:2,5 <b>78</b> 678:9 <b>7:57</b> 634:12	<b>abandoned</b> 550:12 550:15 <b>abilities</b> 554:6 <b>ability</b> 511:25 527:20 529:16 530:3 552:22 553:2,3,5 626:14 698:19 715:10 <b>able</b> 540:1 541:24 559:23 594:6 613:23 614:25 632:11 633:8 638:10 643:3 648:8 657:15,19 665:11,14 666:1,5 667:18 668:4 673:21 674:9 682:14 688:5 699:14 704:22 716:20 <b>accelerate</b> 604:6 <b>access</b> 527:20 528:13,14 529:4 531:12 532:5,17 532:24 533:6 536:4,24 537:8 539:4,15,19 540:9 541:25 546:7
<b>4</b>	<b>6</b>	<b>8</b>	
<b>4</b> 556:8 563:9 609:24 <b>400</b> 505:17 599:15 <b>401</b> 503:11 541:5 542:1 <b>402</b> 503:15 543:4 543:19 <b>403</b> 503:21 581:18 <b>404</b> 504:4 602:12 602:25 <b>405</b> 504:8 616:4,5 <b>406</b> 504:14 634:13 634:25 635:3 <b>407</b> 504:18 635:23 636:4 642:5 <b>408</b> 505:4 706:17 706:21 <b>415</b> 499:14 500:12 <b>4200</b> 501:9	<b>6</b> 496:12,16 497:18 506:1 508:8,11 534:2,12 535:19 564:22 598:7 607:9 624:23 637:7 640:16 662:20 664:10,17 722:5 <b>60</b> 670:21 671:1 <b>602</b> 504:4 <b>616</b> 504:8 <b>623-1900</b> 498:13	<b>8</b> 561:6 565:21 721:23 722:3 <b>80202-2642</b> 501:10 <b>827</b> 496:22 <b>849-5206</b> 501:18 <b>87</b> 685:2 <b>8:48</b> 672:18	

HIGHLY CONFIDENTIAL

[access - announced]

551:25 556:1 557:13 559:15 573:9,15 575:13 575:19 576:19,20 581:9 583:4 592:18 593:5 600:15 602:1,6 604:16,21 605:13 605:23 606:25 608:20,24 609:4 610:2 620:22 622:12,14 624:16 625:14 626:15 627:6 629:19 630:8 633:22 653:9 655:20 663:21 664:19 665:1 670:5,6 676:21,22 677:18 677:21,25 678:14 678:23 684:13,14 684:15 685:5,8,19 687:11 688:18,21 689:8,24 690:20 691:7 692:22 695:18 696:9 697:10 699:6 700:2,14 703:5,14 703:22 704:12 706:6,12 707:22 708:4,16 709:8 710:9 712:15 713:4,8,12,15 714:11,17 715:18 716:21 717:7,19 717:24 718:14 <b>accessed</b> 581:11 610:11 679:9 696:12 697:17 <b>accessible</b> 526:2	<b>accessing</b> 563:17 563:18 <b>account</b> 522:19 533:9 540:17 <b>accounts</b> 708:5 <b>accurate</b> 512:23 515:12 516:2 525:15 527:4 532:10 586:18 601:8 615:6,7,13 651:1 <b>accurately</b> 516:13 557:6,9 586:22 595:4 671:25 672:1 696:20,21 <b>achieve</b> 549:5 550:4 <b>acting</b> 588:7 <b>action</b> 609:3,8 663:20 721:18,19 <b>actions</b> 496:7 497:7 529:16 552:23 608:17 <b>active</b> 584:8 605:8 651:22 676:19 678:22 <b>activision</b> 688:11 <b>activity</b> 530:3 563:19 <b>actual</b> 534:12 564:13 <b>ad</b> 523:11 562:19 562:22 <b>adaniel</b> 498:15 <b>adavis</b> 499:17 <b>add</b> 514:7 564:22 674:23 677:16 <b>added</b> 563:16 565:1 581:11 586:9	<b>adding</b> 702:24 <b>additional</b> 508:19 509:4,6,12,13 526:13 530:6 532:23 585:20 632:12 704:13 714:22,22 <b>address</b> 534:15 535:15,22 <b>addresses</b> 620:23 <b>adele</b> 498:7 506:17 <b>adequate</b> 612:13 <b>administered</b> 508:2 721:8 <b>ads</b> 523:22 524:2,8 <b>advance</b> 600:7 636:5 660:25 <b>advertising</b> 523:16 <b>affect</b> 559:10 <b>afraid</b> 635:8,19,22 640:23 641:5 643:3 646:4 665:21 666:14 673:14 676:11 689:6,16 <b>afternoon</b> 508:7 <b>aggregated</b> 681:5 <b>ago</b> 508:10,19 545:18 546:23 547:12 551:23 573:21 585:18 589:7 591:21 <b>agree</b> 719:13 <b>agreed</b> 526:14 719:2 <b>ahead</b> 521:9 529:25 530:19 537:25 539:9 542:7,9 585:10 599:10 601:12,16 603:10 604:14	630:10 632:9 638:23 639:15 657:17 662:23 700:25 709:19 <b>aiding</b> 599:7 <b>ali</b> 509:7 <b>allow</b> 523:1 524:14,15 532:17 537:7 563:17 589:11 617:11 662:5 664:19 665:1,15 666:6 689:7 <b>allowed</b> 592:19 593:6 600:16 605:9 617:9 670:5 678:16 679:2 691:8 695:20 697:15 700:4,16 706:6 714:17 718:14 <b>allowing</b> 539:3 655:20 685:8 <b>allows</b> 684:4 <b>alto</b> 501:17 <b>altogether</b> 555:15 <b>amazon</b> 708:7 <b>ambiguous</b> 619:21 620:8 633:15 <b>amended</b> 668:11 <b>amount</b> 531:6 570:18 590:18 680:21 <b>analysis</b> 559:8,9 561:14,15 619:6 <b>analytica</b> 622:5 639:19 661:6,8,11 <b>angeles</b> 502:9 <b>anne</b> 499:8 506:25 <b>announced</b> 582:14
--	---	--	--



HIGHLY CONFIDENTIAL

**[announcement - app]**

<b>announcement</b> 582:12,17 621:4	678:3 681:25 686:8 688:6 689:6 689:16 690:14 695:8 705:1	653:10,23 654:23 656:10,20 657:3,5 658:15,16 659:6 679:21 680:7,20 684:7 685:9,11,17 686:1 691:11 694:2,3 695:23 697:9,16 699:7,8,8 699:8 700:19,23 701:4,5,7,9,12,14 701:17,21 702:10 702:11,13,19 704:16	641:3,7 642:6,11 642:23 643:5,10 644:2 647:22 655:3,10,12,20 657:22,23 658:1,2 658:9 659:4 670:5 677:19,21 678:13 678:16,23 679:1 679:20,21,24 680:4 682:18 683:8,9,11,25 691:8 692:14 693:4,16,22,24 695:19 697:16 699:16 700:3,15 701:2,3 702:7,21 703:4,7,15,21,24 704:12,24 709:12 713:9,11
<b>answer</b> 512:23 513:22 514:11 518:8 520:3 525:15 527:4 529:25 530:21 532:10 533:1,8,17 533:20 534:18,22 534:25 535:6,18 537:4,24 538:1 539:22 540:15 545:2 546:10 563:14 575:2 576:8,13,13 578:9 578:10,14,15,16 579:1 587:12 592:3 595:4,7,17 598:14 601:8,16 601:18 606:5,11 606:22,23 607:11 608:9 612:8,18,21 613:3,24 614:12 615:7,10,12 616:1 620:3 621:25 623:3,5 624:25 625:4,22 627:1 629:7,7,23 632:9 633:17 639:17 640:18,23 641:5 642:10 643:1,3 644:14 646:5 648:11 651:1 652:24 654:19 655:7 657:12,15 657:17,19 659:14 659:22 664:12 665:6,11,23 666:1 666:14 667:8,18 668:4 672:12 675:5 677:22	<b>answered</b> 521:8 595:19 718:2 <b>answering</b> 573:18 576:22 577:16 580:5 <b>anticipated</b> 558:20 <b>anymore</b> 554:11 607:22 <b>ap</b> 685:20 <b>api</b> 504:5 510:8,15 510:18,19,20,20 510:21 512:25 514:5 531:19,23 544:5 553:11 559:10 574:5,23 575:15 577:10 579:20 582:22 585:16 590:9 602:19,21,22 604:3,17 609:18 610:22,22 611:13 612:14 613:5,10 613:18 617:9,19 618:8 619:6,12,13 619:16,21 620:16 620:20 621:3,4,8,9 621:11 622:12,13 622:14 623:19 624:15,16,20 625:17,18 626:1,3 626:6,9,15,21 627:14 629:14,17 629:19 630:8 632:23 633:8,15 637:23 638:4,7 639:5,22 648:5,17 649:14 650:9	<b>apis</b> 504:10 509:21 511:10,17,21,23 512:2,6,9,10,13,21 512:25,25 513:3,8 513:12,15,16,23 514:3,3 527:20 529:12 532:11,13 537:9 539:4,20,20 545:4 552:1,18,18 559:15,25 560:20 573:22,25 574:7 574:21 575:13,14 575:25 576:2,24 577:6 604:17 605:24 606:15,18 606:25 607:7,16 608:20,24 609:4,9 609:25 610:2,11 610:12,14 611:2,7 611:19 612:25 614:1 616:19,22 617:1,8,20,22,23 617:25 618:12 620:7,22 621:13 621:16 622:8 623:11 624:11 637:14,22 638:8 639:3 640:3,7,24	<b>apologies</b> 569:23 575:3 676:8 <b>app</b> 517:10 525:21 526:1 529:17 530:4 540:2,8,9 547:22,23 552:10 553:4,7 555:2,12 557:5 565:9 581:11 584:18 601:24 602:5 617:13 620:4 623:21 624:7,16 624:20 625:5,12 626:9,19,21 627:4 627:6,14 633:21 633:23 653:9,15 674:12 685:5 687:5,8,23 688:15 692:20 693:2 706:6 712:23 713:4,23 714:13 714:17 716:20

HIGHLY CONFIDENTIAL

**[app - associated]**

717:7,12,13,19,24 718:14 <b>app's</b> 685:6 <b>appear</b> 620:10 631:18 650:4 720:4 <b>appearances</b> 498:1 499:1 500:1 501:1 502:1 <b>appearing</b> 498:2 499:2 500:2 501:2 502:2 722:18 723:7 <b>appears</b> 515:9 581:22 582:23 608:18 687:25 <b>apple</b> 708:7 <b>application</b> 511:8 513:18 524:3,5 592:17,19 593:4,6 600:14,15 602:8 619:7,13,16 623:20 625:9 626:14 629:14 632:23 633:9 679:21 691:9 695:20 696:1 700:4,16 716:19 716:19 717:6,21 718:18 <b>applications</b> 523:23 524:15 545:24 577:13 583:21 618:11 626:7 675:11 680:7 681:15 684:5 685:20,21 690:21 691:6 695:18 697:20 700:2,14 706:11 718:12,13	<b>applied</b> 563:2 690:11 <b>apply</b> 570:10,23 571:1,9 700:22 <b>appreciate</b> 574:24 578:7,11 594:18 595:13 598:5,10 598:17 599:13 603:22 627:9 719:13 <b>approach</b> 587:15 594:7 628:11 <b>appropriate</b> 534:11 560:4,10 586:5 594:7 608:15 617:15 627:22 639:1 672:8 <b>appropriately</b> 545:23 546:5,18 568:17 574:1,3 579:6 618:1,13 <b>approved</b> 671:24 <b>apps</b> 528:25 529:13 538:3 545:24 553:3 555:25 557:13 558:1 560:17 561:10,15 562:4 563:9,13,16 564:22 565:1,3,11 567:10 568:14,21 570:10,23 571:1,9 572:18 573:23 574:17 575:8,19 583:10,16 584:6 586:9 592:8 605:5 608:19 610:16 649:10 663:21 665:13,15 666:4,6 670:6 673:5	678:21 679:8,9,17 681:19,22 683:7 685:4 687:19,25 689:9 690:4 698:13,20 699:3 703:4,14,22 705:4 705:18 706:5 708:11 713:4,8,11 713:14,17,19,21 713:25 714:6,10 716:2 <b>april</b> 513:13 531:24 544:5 582:15 685:20 714:9 <b>archibong</b> 541:3 541:12 602:17 <b>area</b> 523:16 525:25 555:23 560:9 575:16 577:11 601:20 618:9 668:2 684:19 718:10 <b>argue</b> 615:23 <b>argumentative</b> 575:4 <b>arrive</b> 569:23 <b>arrow</b> 553:25 <b>art</b> 671:9 <b>article</b> 556:5 <b>articulate</b> 551:8 <b>articulated</b> 658:6 658:7 <b>artifact</b> 582:9 <b>aschwing</b> 500:13 <b>aside</b> 592:11 706:16 <b>asked</b> 521:8 534:17,21 535:4 574:25 578:8 593:18 634:2	641:11 665:7 690:15 704:15 717:9 718:2 <b>asking</b> 516:6 526:19 533:11 534:2,7,9 540:13 576:7 591:19 592:5 593:3 594:24 595:14,24 596:1,4,4,10 598:24 599:25 601:11 613:24 615:14 633:3 634:4 656:16 662:21 664:10 683:20,23 <b>asks</b> 592:17 593:4 600:14 684:11 713:18 <b>asserted</b> 676:17 <b>asserting</b> 549:11 611:24 <b>assess</b> 561:15 563:9,13 609:9 <b>assessed</b> 538:21 637:15 639:22 653:23 654:24 657:22 <b>assessing</b> 609:24 <b>assessment</b> 530:24 538:7,23 539:12 640:2 643:19 657:21 <b>assigned</b> 570:15 <b>associate</b> 502:16 698:21 <b>associated</b> 541:22 593:11 611:7 635:6 653:9 657:5 658:16 678:19,21 678:22 691:7,10
--	---	--	--

HIGHLY CONFIDENTIAL

[associated - best]

691:10 695:19,21 695:21 696:6 700:3,5,5,15,17,17 <b>assume</b> 516:12 651:10 <b>assumed</b> 558:12 <b>attached</b> 541:7 543:3,6 581:20 602:14 604:2 616:7 634:15 635:25 636:2,5 706:19 <b>attachment</b> 542:16,20 602:20 603:9 634:20 <b>attempt</b> 617:5 624:10 641:25 642:11 644:24 682:2 <b>attempted</b> 549:11 <b>attempting</b> 550:3 550:4 <b>attorney</b> 500:17 501:15 606:3 721:19 <b>attorneys</b> 498:9 499:10 500:8 501:7 <b>attribution</b> 653:6 653:21 654:6 670:12 <b>audit</b> 621:13,18 623:20 629:18 630:7 643:5,10 <b>audited</b> 637:14 <b>auditing</b> 573:12 579:18 580:18,20 <b>audits</b> 630:14 <b>august</b> 515:9 <b>auld</b> 499:5 506:24	<b>austin</b> 500:6 506:19 517:18 521:7 639:11 648:22 682:23 702:1 711:21 <b>author</b> 549:10 555:24 570:19 573:19 591:8 614:14 619:9 625:1 644:19,23 650:5 <b>authoring</b> 551:22 <b>authoritative</b> 613:24 614:12 629:7 633:17 710:4,6 <b>authorization</b> 716:10,14,25 717:15 <b>authorized</b> 513:17 718:18 <b>authors</b> 646:23 654:21 655:25 699:23 <b>available</b> 530:16 545:5,6 552:2 553:18 554:10,11 554:24,25 555:4,5 555:8,11,17 573:23 574:8,17 574:21,22 575:8 575:13,15 576:25 577:12,20 638:11 639:6 679:8 685:9 693:5,17 694:3 701:10,13,15 703:10 <b>avenue</b> 498:10 500:18 <b>avoid</b> 671:15	<b>aware</b> 527:16 580:14 618:10 619:14 621:25 632:19 638:17 643:9 646:2 656:7 681:23 <b>b</b> <b>b</b> 496:12 502:5 503:8 504:1 505:1 508:8 535:19 598:7 664:10 723:1 <b>back</b> 514:21 521:16 523:2,8 524:16 526:8 528:25 529:6,17 530:4 535:11 536:21 569:19 572:15 579:15 585:11 589:18 593:24 594:10 603:25 632:22 634:11 642:4 644:25 649:22 670:21,24 672:20 672:23 700:10 709:4 718:24 <b>bad</b> 534:20 <b>base</b> 524:6 610:21 <b>based</b> 536:12 577:3 608:17 639:23 640:3 642:10 650:4 653:22 658:7 659:2 687:24 <b>basically</b> 633:7 <b>basis</b> 546:20,22 562:23 563:7 <b>bates</b> 542:5 635:4 635:5	<b>bear</b> 669:12 <b>began</b> 685:19 <b>beginning</b> 506:14 685:20 <b>begun</b> 582:22 <b>behalf</b> 497:16 507:8 514:5 578:14 588:7 598:14 607:11 612:18,21 624:25 640:18 655:7 666:1,15,22 667:8 667:19 668:4 695:9 <b>behaved</b> 714:1 <b>behavior</b> 702:21 <b>believe</b> 509:19 517:6 524:4 534:10 591:24 615:16,18 661:13 665:12 666:3 667:2 <b>believed</b> 585:1 612:13 <b>believes</b> 529:5 600:2 611:18,24 <b>benefit</b> 529:18,21 530:8 <b>benefits</b> 522:22 529:20 <b>best</b> 527:3 529:10 533:20 534:22,22 534:25 535:7,18 545:2,16,18 552:16 573:21 576:13,14 579:1 586:20 589:7 605:1 606:22,23 615:6 620:2,3 623:5 625:4,25 636:8 638:6
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HIGHLY CONFIDENTIAL

[best - captures]

682:15 <b>beta</b> 693:24 709:12 <b>better</b> 514:19 601:3 <b>beyond</b> 576:1 673:21 674:9,9 677:13,16 687:20 689:24,25 694:22 695:9 716:6 <b>bfalaw.com</b> 499:15,16,17,18 <b>bing</b> 589:1,3,9,11 589:11,12,15,17 589:19 590:17 604:20 <b>bit</b> 527:5 528:8 593:10 620:7 630:3 707:19 715:10 <b>bizarre</b> 688:12 <b>blackberry</b> 547:22 547:24 692:20 708:7 <b>bleichmar</b> 499:5 506:24 <b>blog</b> 706:25 707:9 707:10,11,19 710:14 712:1,10 712:20 715:24,24 718:4,8 <b>bold</b> 628:4 <b>bottom</b> 566:14 576:17 676:14 <b>box</b> 552:9,9 649:2 <b>boyle</b> 634:18,23 635:8 636:12 <b>branded</b> 673:5 <b>breach</b> 666:4,17 666:21 667:2,10	<b>break</b> 514:16,23 569:11,13,15 618:17,19 715:14 <b>brian</b> 541:11 542:23,24,25 <b>briefing</b> 660:11 661:5 663:4 <b>briefings</b> 660:14 661:10 <b>broad</b> 529:10 530:20 613:25 <b>broadly</b> 558:15 604:4 622:19 674:21 <b>broke</b> 622:5 639:19 <b>broken</b> 692:1 <b>bryan</b> 570:5,11,12 570:13,20 <b>bucket</b> 643:16,22 <b>buckets</b> 641:4 <b>build</b> 517:12 518:3 520:10,11 521:13 671:11,18 <b>building</b> 521:24 572:12 <b>built</b> 510:21 567:11 607:21 671:22 697:19 708:6 <b>bullet</b> 545:14,20 545:25 546:25 547:2 548:2 563:22 609:2 611:11 624:15 625:15 637:21 640:1,9,10 643:19 645:10,13,20 649:23 650:17,18 663:13,14,18	<b>bullets</b> 548:15 550:5 568:22 645:7 673:2 <b>bunch</b> 537:5 657:11 <b>buongiorno</b> 500:16 506:21 <b>business</b> 671:8 692:6,10 693:8,11 694:18,25 695:5 695:12 709:9 711:1,7 <b>businesses</b> 649:8 <b>buy</b> 523:22 <b>buying</b> 524:2 <b>c</b> <b>ca</b> 503:13,18,19,23 503:24 504:6,11 504:12,16,19,20 505:7,8 722:9,12 722:20 <b>calculated</b> 652:9 652:10 <b>california</b> 496:2 496:21 497:2 499:13 500:11 501:8,17 502:9 <b>call</b> 626:14 631:22 <b>called</b> 515:10 590:3,4 609:11,19 632:5 673:12 679:20,22,24 680:4 697:22,24 697:25 <b>calling</b> 514:5 <b>calls</b> 605:16 608:1 612:6 613:6,19 614:9,22 629:4 630:17 632:7 647:10 648:21,23 649:16 653:11	657:16 665:8 680:7 682:9 <b>cambridge</b> 622:5 639:19 661:6,8,11 <b>camera</b> 515:23 <b>canvas</b> 552:10 553:3 <b>capabilities</b> 511:14 554:9 558:2,5 563:10,13 563:15 564:23,25 568:15,22 572:19 575:25 577:19 610:14,17 611:7 620:23 633:20 670:3,4 691:7 695:18 697:5,10 699:21,22 700:2 700:14 701:2 702:20 <b>capability</b> 574:12 610:23 617:13 620:4 623:19,20 623:21,22 624:7 625:6,7,8 627:5,6 633:10,21,23 696:1,4 697:5,8 <b>capacity</b> 517:8,25 518:19 545:3 573:19 576:22 578:17 591:7 601:17,19 602:7 627:22 633:18 639:15 653:2 <b>captioned</b> 707:12 <b>capture</b> 573:11 579:17 656:25 <b>captured</b> 580:14 617:17 <b>captures</b> 581:23
---	---	--	--

HIGHLY CONFIDENTIAL

**[career - comment]**

<b>career</b> 515:4	<b>caveats</b> 688:8	607:20 714:1	594:12 605:23
<b>carrier</b> 566:18	689:3,14	<b>changes</b> 544:4,11	630:24 634:4,7
<b>carriers</b> 568:8	<b>cc</b> 541:12	547:19 548:11,13	647:4 683:2
<b>carry</b> 640:4	<b>ccp</b> 722:9,12	551:7 554:20	707:12 712:14
<b>case</b> 496:4 497:4	<b>ccr</b> 496:21,22,23	557:2 559:6,10,18	<b>client</b> 606:3
524:18 547:9	721:24	560:8 566:4	<b>close</b> 606:20 715:3
557:23 562:23,23	<b>cell</b> 628:15	582:14 585:16	<b>closely</b> 518:3
563:7,7 567:21	<b>centralized</b> 580:16	592:7 618:8 621:7	530:23 620:13
590:14 601:25	581:10	621:15 680:1	718:6
618:11 631:25	<b>certain</b> 531:12	<b>channel</b> 570:9,22	<b>closest</b> 540:22
704:15 705:12,20	532:5,8 555:11	571:1,5,9	645:11
705:25 706:3	559:12 560:19	<b>characterize</b> 560:4	<b>code</b> 531:21 544:3
721:15	574:17 575:8	562:21 568:17	609:21 610:20
<b>cases</b> 546:1 547:3	583:9,16,21	578:3 624:8 707:4	722:9,12,19,20
547:6 555:9	586:11,12 609:9	708:22	<b>codified</b> 528:21
558:22 559:14,22	609:25 610:24	<b>characterized</b>	<b>coding</b> 639:3
560:11,14 569:2,8	626:14,15 647:21	567:3,14	<b>coffee</b> 517:21
572:9,22 575:18	670:15 677:14	<b>chat</b> 581:23,25	<b>collate</b> 561:9
584:22 585:24	<b>certainly</b> 551:24	582:6,11,23	<b>colleagues</b> 586:17
586:1,11,13,13,15	560:6 563:15	588:15,21,24,25	<b>collect</b> 580:6
615:24 705:6	564:18 577:18	591:20	617:10
<b>casting</b> 605:18	579:2 611:1	<b>chats</b> 584:16 587:4	<b>collected</b> 619:10
<b>catch</b> 572:9	612:10 655:10	<b>check</b> 661:1	679:9
<b>categories</b> 562:5,8	672:7	<b>checked</b> 566:8	<b>collecting</b> 651:5
567:13,19,22	<b>certified</b> 497:20	<b>chen</b> 502:16	<b>colorado</b> 501:10
568:1,3 653:8	497:21 721:2,3	506:21	<b>column</b> 649:1
704:1	<b>certify</b> 721:4,17	<b>chris</b> 563:24	687:2 690:22
<b>categorization</b>	<b>cetera</b> 552:12	<b>chronological</b>	696:4,18
562:1	<b>challenge</b> 615:25	582:24	<b>columns</b> 628:18
<b>categorizations</b>	<b>challenging</b> 585:8	<b>cite</b> 656:7	628:19
561:24 709:21	676:4	<b>civil</b> 722:19,20	<b>come</b> 514:11,21
<b>categorize</b> 551:19	<b>chance</b> 616:9	<b>clarification</b>	523:8 541:10
712:5	691:22	596:21 713:18	550:23 562:25
<b>categorized</b> 562:4	<b>chang</b> 541:11	<b>clean</b> 622:11	593:24 594:10
641:4	571:16,17	623:11	611:14 719:15
<b>category</b> 649:5	<b>change</b> 511:6	<b>cleaned</b> 620:25	<b>comfortable</b>
651:14 709:10	566:9 632:15	622:24 623:6	715:13
<b>caught</b> 572:23	724:4,7,10,13,16	<b>cleanup</b> 622:22	<b>commencing</b>
<b>caution</b> 606:2	724:19	<b>clear</b> 505:5 543:25	497:17
<b>caveat</b> 606:19	<b>changed</b> 515:7	558:11 567:18	<b>comment</b> 610:9
609:19 702:24	554:18 559:17	568:23 577:16	624:3 664:3,4,21



HIGHLY CONFIDENTIAL

**[comment - context]**

665:3,19 666:20 677:12 683:9 699:14 704:8,22 705:25 715:22 719:10 <b>commentary</b> 623:6 <b>comments</b> 513:13 573:12 <b>commitments</b> 579:17 580:15 <b>common</b> 519:6,8 519:15 <b>comms</b> 664:7 <b>communicate</b> 535:17 586:21 <b>communicating</b> 583:12 586:17 710:7 <b>communication</b> 614:8 <b>communications</b> 565:7 666:18 667:15 <b>community</b> 522:17 529:2 <b>companies</b> 517:10 671:17 707:22 708:6,21 710:9 712:15 715:17 <b>company</b> 517:2 526:21 528:1 538:20 543:15 573:24 579:10 598:15 612:10,22 613:22 621:12 622:13 625:1,22 626:25 640:19 642:12 651:1 652:15,24 654:19 656:5 666:2,12,15	666:22 667:8,19 668:5 675:4 685:13 695:3,9 698:18 <b>company's</b> 518:2 547:11 664:5 <b>companywide</b> 638:7 639:17 <b>compiled</b> 619:10 <b>complete</b> 611:13 615:7,10,10,25 645:15 650:1,6,20 677:9 708:15 710:17 <b>completed</b> 686:7 701:23 722:7,17 723:6 <b>completely</b> 551:19 551:21 702:3,4 <b>completing</b> 654:1 <b>completion</b> 721:15 723:10 <b>complicated</b> 680:9 702:17 <b>complies</b> 507:18 <b>comply</b> 637:24 <b>compound</b> 513:10 522:24 549:25 654:16 <b>comprehensive</b> 611:6 <b>comprehensively</b> 622:11 <b>concept</b> 568:4 652:16 <b>concern</b> 534:1 535:22 578:19 599:12 <b>concerned</b> 592:6 618:4	<b>concerns</b> 591:9 599:20 618:9 635:21 <b>conclusion</b> 614:23 <b>concretely</b> 714:3 <b>confident</b> 515:20 627:5 640:17 641:3 643:20 658:23 694:21 713:10 <b>confidential</b> 496:11 719:4,7 <b>confirm</b> 646:23 647:12 648:8 658:1 670:10 702:2 <b>confirmed</b> 587:7 619:25,25 <b>confirming</b> 587:11 <b>confused</b> 593:10 <b>confusion</b> 671:15 <b>connection</b> 592:20 593:7 600:16 657:2 667:22 <b>conquer</b> 541:13 <b>conquor</b> 503:13 <b>consider</b> 522:2,10 525:7,19 536:25 577:22 578:12 588:4 611:25 655:3 673:24 712:11 <b>consideration</b> 547:20 <b>considered</b> 517:4 522:14 523:23 529:14 531:10 532:3,18 533:4 536:3 537:5,6,11 537:17 538:3,7,11 538:16 539:2,12	547:23 550:16 553:22 559:2 566:25 568:9 576:5 577:6,14 579:3,4,7,7 588:3 612:2 626:20 641:1,8 643:7 644:3 655:13 656:11,20 694:4 705:5,11,14,19,24 706:1,3 <b>considering</b> 521:13 525:11 530:22 <b>considers</b> 530:14 577:25 615:15 674:2 <b>consists</b> 685:4 691:6 <b>constituting</b> 663:9 <b>consumer</b> 496:4 497:4 506:10 694:7 712:8 722:4 724:1 <b>cont'd</b> 500:1 501:1 502:1 504:1 505:1 <b>contact</b> 636:11,13 636:15 722:9 <b>contain</b> 527:19 <b>contained</b> 704:10 720:4 <b>contains</b> 556:5 <b>content</b> 523:3,7 524:16 530:6 556:17 589:10,12 590:16 652:5 <b>context</b> 528:3,16 590:23 595:6 597:2 598:12,16 599:20 607:6,25 608:10 614:18
---	--	--	--

HIGHLY CONFIDENTIAL

[context - cross]

620:8 631:4 632:12 637:12 654:3 664:11 667:3 691:16 701:12,14,21 <b>contexts</b> 699:8 <b>continuation</b> 508:8 <b>continue</b> 508:10 511:18,21 532:16 536:12 537:8 538:9,9,24 539:3 540:18 547:21 555:9 556:1 559:4 559:6,15,23 563:17,19 566:12 569:11 583:4 605:9 623:22 655:19 662:11 685:8 706:6,12 <b>continued</b> 510:21 513:23 533:6 539:14,19 540:8,9 557:13 560:7,18 611:2 623:13 624:4 665:1 685:21 <b>continuing</b> 512:17 664:19 665:14 666:6 <b>contract</b> 516:8 526:18 527:13 528:13 589:14,17 589:22 628:6,20 630:15 675:15 676:11 <b>contracted</b> 527:10 <b>contracts</b> 526:11 526:14,20 527:14 527:16,20 528:12 565:21 566:7,10	606:14,18 610:1 <b>contractual</b> 537:13 624:17 <b>contractually</b> 566:11 <b>contribute</b> 529:1 <b>contributes</b> 530:15 <b>controlling</b> 621:15 <b>convenient</b> 618:18 <b>conversation</b> 509:7,8 526:23,24 562:23 683:19 <b>conversations</b> 509:2,4,12,14,15 540:7 564:7 605:4 <b>cool</b> 535:8 603:16 603:19 700:12 <b>corporate</b> 496:13 535:19 539:1 594:17 613:4 677:8 687:21 690:3 706:25 <b>correct</b> 542:21 546:10 574:14 627:12 645:5 648:5 717:25 720:5 <b>corrected</b> 720:5 <b>corrections</b> 719:5 720:3 722:14,15 723:3,4 <b>correctly</b> 537:5 553:17 574:11,13 580:5 583:6,7,13 583:14 584:14,15 587:1,2 588:19,20 607:4,5 609:12,13 610:3,4 611:16 617:17 619:5 622:16,17 636:22	636:23 642:19,20 645:18,19,23,24 678:24,25 691:13 691:14 <b>counsel</b> 498:1 499:1 500:1 501:1 502:1,16 506:14 507:3 514:13 535:11,14,16,21 595:20 596:16,22 598:5,18 599:4 719:10 722:18,21 723:7 <b>counsel's</b> 599:19 <b>count</b> 687:17 <b>counted</b> 687:19 <b>counts</b> 615:1 <b>couple</b> 593:21 637:1 661:9 <b>course</b> 520:23 535:25 597:25 603:24 676:8 691:17 <b>courses</b> 597:23 <b>court</b> 496:1 497:1 497:21 507:8,14 507:16,19 541:6 543:5 581:19 602:13 616:6 634:14 635:24 706:18 713:18 721:3 <b>cover</b> 526:15 567:21 606:15 620:11 705:4 <b>covered</b> 527:17 613:10 657:25 658:1,5 704:1,17 <b>covering</b> 705:5 <b>covers</b> 567:10 610:21 658:2	695:16 699:2 <b>create</b> 524:16 531:1 594:11 640:4 718:8 <b>created</b> 530:25 553:19,21 563:16 564:25 642:1 699:4 703:3,6 <b>creates</b> 530:5 645:17 646:18 650:3,9,22 <b>creating</b> 546:18 641:20,24 <b>creation</b> 687:8 688:15 <b>creations</b> 688:12 <b>criteria</b> 540:2 562:10,16,18 563:10,21 583:11 625:16 <b>cross</b> 496:13 497:15 503:3 506:8 507:9 508:1 508:6,18 514:7 515:2 517:20 526:10 534:16 536:2,23 541:10 541:14 542:10 543:8 569:10 578:7 585:6 598:25 599:18 600:11 603:6 615:18 616:8 629:23 634:17,22 636:4 637:23 638:4 646:8 650:11 660:1,20 661:16,18 662:5,7 662:10,15,23 664:9,18,24 665:23 666:16
---	---	--	--

HIGHLY CONFIDENTIAL

**[cross - definition]**

667:1,9,20 668:7 668:25 669:15 672:6 676:4 705:3 715:5,12 720:1,11 722:1,5 724:2 <b>cross's</b> 600:10 <b>crutcher</b> 500:5 501:5 506:20 <b>csr</b> 496:21,21,22 721:25 <b>current</b> 535:5 <b>cut</b> 598:20 <b>cuts</b> 566:22	602:5 605:14 610:12,18 611:3 611:14,20,25 614:2,2,6,20 615:4 617:21 618:4 619:7,10 626:19 638:8 640:25 641:7 657:23 663:21 664:20 665:1,14 666:5 667:11,23 670:6 677:18,21 678:1 678:20,22 679:8 683:8,12,15,16,17 683:21,25 684:1 685:10 689:15 691:10 695:21 696:6 697:6,9,15 698:13,22 699:7 699:24 700:5,17 703:5,10,16,21,25 704:17,24 706:7 709:8 713:16,20 713:22,22 714:6 716:2 717:25 <b>date</b> 542:13 582:10 602:18 668:21 676:21 678:21 687:8,11 688:15,18 689:4 689:24 690:20 696:9,12 703:14 704:2,8 721:20 722:16 723:5 724:24 <b>dated</b> 503:11,21 504:4,14 541:11 581:16 634:19 660:4 721:23 <b>dates</b> 513:4 621:5 701:16	<b>davis</b> 499:8 506:25 <b>day</b> 517:20 660:18 669:1 676:5 720:6 <b>days</b> 508:19 <b>december</b> 505:4 602:18 685:25 686:11,14,14,17 706:22 <b>decide</b> 624:13 628:10 658:17 715:9 <b>decided</b> 517:11 518:2 583:20 659:5 <b>deciding</b> 531:11 532:4,16 533:5 536:4,23 539:3 540:17 563:2 655:19 657:3 <b>decision</b> 533:11 540:2 541:1 564:6 564:10 573:12 583:16,23 621:24 622:2 625:16 642:15,22 645:4 645:14 646:16 648:5,16 649:13 649:25 650:8,19 656:10,19 657:1 658:8 659:20 <b>decisions</b> 530:16 562:22 564:3,14 579:17 580:15,23 584:9 645:22 657:9 658:25 659:16 664:25 <b>deck</b> 504:15 543:3 543:20 545:17 546:13 548:23 551:1,22 554:17 555:20,24 556:16	556:20,23 558:14 558:17,18 562:3,6 566:1,3 570:2,17 570:19 572:12,16 573:19 580:8 604:2 618:21 625:1 630:14 632:22 634:20,21 636:2,5,18 637:2,4 637:12 641:13 642:1 644:19,23 646:22,23 648:15 650:4,6 654:20 655:1,24 656:9,18 657:22 658:6,8,13 <b>declare</b> 720:1 <b>deem</b> 588:23 <b>deemed</b> 699:22 <b>defendant</b> 506:20 668:11 <b>define</b> 517:14,15 519:11 520:4 534:24,24 537:19 559:13 562:10,15 655:18 <b>defined</b> 560:12 562:18 568:7 615:9 654:24 655:1 672:25 673:20 675:22 694:11,24,24 695:11,11,12 <b>defines</b> 519:7 537:24 653:25 677:14 <b>definition</b> 517:1 518:10 519:10,13 519:19,21 520:2 520:17,20 560:16 567:9 575:22 577:14 578:20,22
<b>d</b>			
<b>d</b> 698:2,2 <b>dallas</b> 500:20 <b>daniel</b> 498:7 502:5 506:17 507:7 <b>daniels</b> 563:24 <b>data</b> 510:4 511:10 511:15,18,21 512:1,16 513:17 513:23 514:4,5 524:9,10 528:24 529:1,6 530:16 531:12 532:5,8 536:24 539:5 540:19 546:4,7 552:11 553:8 555:3,13,14,15 557:6,14 573:10 573:15 574:15,16 575:6,7,20 576:1,8 576:10,19,21,21 576:25 577:1,8,12 577:22 578:1,3,6 578:12,23 579:2,4 579:5 583:5 589:18 591:3,6,17 592:9 599:16,21 600:12 601:1			



HIGHLY CONFIDENTIAL

**[definition - designations]**

578:25 579:9,10 580:19,21 590:13 613:10 615:8,21 619:13 631:17 632:14,19 633:14 656:7 671:3 673:21 674:7,17 675:12 684:1 705:11,23 <b>definitions</b> 615:20 632:15,17 694:23 <b>definitively</b> 539:21 <b>denominator</b> 519:15 <b>denver</b> 501:10 <b>depended</b> 659:11 <b>depending</b> 574:5,5 574:6 632:15 <b>depends</b> 580:19 <b>depo</b> 660:25 714:23 <b>deponent</b> 497:16 503:2 507:18,24 512:8,20 513:11 514:1 516:6 517:17,24 519:1 519:18 520:1,8 521:7,10 522:5,25 523:14 524:13 525:1 527:2 528:7 528:19 529:9 530:1,20 532:21 533:13 535:8 536:8 537:3 538:18 539:10,24 541:15 547:8 549:7 550:1 554:14 555:19 556:11 557:8 562:21 567:24	569:21,25 574:20 575:11,22 576:12 577:25 581:7,21 583:19 584:2 585:5,11 586:20 588:10 589:21 591:19 592:4 595:3,22 596:9 600:24 601:18 603:12 606:7 607:10 608:2 611:23 612:7,17 613:8,21 614:5,11 614:24 616:24 618:6,24 621:21 623:1,17 624:2,24 625:21 626:24 627:20 629:6 630:11,19 631:5 631:24 632:10 635:7 637:8 638:14,24 639:11 640:17 641:10 642:25 644:7,21 646:2,21 647:12 647:25 648:7,22 649:18 650:13,25 652:13,23 653:13 653:19 654:18 655:6,23 656:14 656:23 657:8,18 658:22 659:8 661:3 663:1 664:3 664:15 665:9,18 665:25 666:10,20 667:6,14 668:1 669:25 673:10,19 674:6 675:2,20 676:1,8 677:12 679:11 680:15 681:2,11 682:10	682:22 684:3 688:4 689:1,12,22 690:8,18 691:22 692:12 693:1 694:21 695:8 697:1 699:13,20 700:8 701:1,20 702:16 703:19 704:5,22 705:9,22 706:10,24 708:20 709:2,20 710:3,13 710:21 711:6,15 711:20,25 712:5 713:2,25 714:15 715:13,22 716:8 716:17 717:2,18 718:3 <b>deponent's</b> 496:15 <b>deponents</b> 721:7 <b>deposition</b> 496:12 497:15 506:8 507:21 508:9 514:8 592:2 595:12 600:10,23 702:15 704:4 719:3 721:14 722:19,22,24 723:8,10 <b>deprecate</b> 607:2 608:7 658:18 <b>deprecated</b> 510:16 511:18 513:9 532:12,14,15,17 533:3,7 536:5 537:9 539:20 540:9 555:22 556:2 561:10,16 582:19 604:18,19 608:25 609:5 623:12 637:15 640:8 643:13	644:12 685:17 701:15,22 702:4 <b>deprecation</b> 512:10 513:4 557:14 560:19 577:10,19 667:22 685:10 686:6 688:23 701:16 <b>deprecations</b> 559:14,24 583:3 587:9 <b>derek</b> 498:6 506:16 541:18 560:25 634:24 668:18 691:18 <b>describe</b> 554:8 560:22 589:7 613:4 638:6 671:10 <b>described</b> 509:1 560:1 629:2 641:15,18 <b>describes</b> 568:13 627:13 630:14 658:13 <b>description</b> 503:10 504:3 505:3 628:9 691:2,25 700:1,11 700:13,20,21,22 702:8 709:6 710:17 <b>descriptions</b> 552:18 709:11 <b>design</b> 571:20 <b>designated</b> 508:13 509:23 714:20 <b>designation</b> 719:13 <b>designations</b> 719:14
---	--	---	---

HIGHLY CONFIDENTIAL

[designed - document]

<b>designed</b> 646:15 656:25 <b>designee</b> 539:1 594:18 664:10 677:8 687:21 690:3 <b>despite</b> 678:8 <b>detail</b> 523:19 557:11 570:18 589:23 626:25 653:20 697:12 <b>detailed</b> 644:17 <b>details</b> 510:17,24 513:21 619:14 638:15 646:3 647:21 648:3 649:12 658:14 <b>determinant</b> 539:14 <b>determination</b> 531:7 614:25 640:22 641:21 644:1 654:23 675:4,4 <b>determinations</b> 537:12,14 718:7 <b>determine</b> 514:2 558:4 566:10 578:18 640:7 643:12 644:15,22 682:3 689:18 <b>determined</b> 536:11 625:11 676:10 689:5 722:18,22 723:7 <b>determiners</b> 525:23 <b>determining</b> 537:6 540:7 679:16 <b>dev</b> 548:2,3,5,6	<b>develop</b> 567:4 621:14 <b>developer</b> 511:1 518:14 519:4 521:15,25 524:2 527:18 528:10 531:2 544:11,23 548:6,9,12,13 550:13 553:23,24 559:7 567:4 574:10,22 606:13 607:19 612:24 626:5 674:13 692:23 693:2,4,7,9 693:11,14,17,20 693:23,25 694:4,8 694:9,14 701:11 707:16 <b>developers</b> 517:10 521:20 523:21 524:10,14 525:12 529:11 544:14 545:5,6,24 548:8 551:25 552:23 553:2 554:25 555:8 559:3 565:9 574:9,23 577:21 582:22 583:2 588:17 606:15 613:1 617:9 691:9 693:5 695:20 700:4,16 701:10 <b>development</b> 622:7 <b>device</b> 526:2 538:4 560:7 617:12 <b>devices</b> 671:12,19 692:20 708:6 <b>dgarrie</b> 502:11 <b>diagramming</b> 556:7	<b>dialog</b> 552:10 <b>dialogs</b> 552:24,25 552:25 <b>dialogue</b> 552:22 <b>differ</b> 653:22 <b>difference</b> 692:9 695:4 <b>different</b> 513:5 519:11,12 521:4 526:16 552:21 554:7 561:23,25 562:4 576:16 584:7 597:19 609:21 619:20,23 627:13 630:23 632:1,2,17 638:10 657:11 660:18 671:12 687:19 692:1 695:15 702:6,19,23 709:7 709:14 719:16 <b>differs</b> 656:4 <b>difficult</b> 595:12 598:11 <b>difficulty</b> 542:8 <b>direct</b> 533:20 <b>direction</b> 721:11 <b>directly</b> 522:22 567:25 <b>director</b> 645:11,21 647:21,22 648:4 648:15,17 649:13 650:7 658:16 707:15 <b>directors</b> 642:15 642:21 645:4 646:15 649:24 650:14 651:6 <b>directs</b> 553:25 676:19	<b>disclosures</b> 617:15 704:1 <b>discrete</b> 508:12 <b>discuss</b> 512:9 <b>discussed</b> 510:7,24 510:25 511:10,13 511:13 560:6,17 564:14 591:10 656:2 657:22 661:11 <b>discusses</b> 661:6 <b>discussing</b> 509:17 510:15 <b>discussion</b> 564:21 584:8 585:19 672:22 684:23 <b>discussions</b> 525:12 584:5 <b>distinct</b> 552:6 <b>distinction</b> 694:16 <b>distinctions</b> 719:7 719:15 <b>district</b> 496:1,2 497:1,2 <b>divide</b> 503:12 541:13 <b>division</b> 632:16 <b>dloeser</b> 498:14 <b>document</b> 496:6 497:6 541:25 547:9,11 549:10 581:14 593:15,17 594:6,6,14 595:2 595:15,15,16,21 596:2,7 598:12,17 598:19 627:9 629:8 641:16,18 660:24 661:4,9,14 668:14 669:17 672:4,7 673:22 674:10,18 675:22
---	---	---	---

HIGHLY CONFIDENTIAL

[document - entire]

677:6,13 694:25 695:11 699:23 706:16 715:1,4,9 715:14 <b>documentation</b> 640:21 <b>documented</b> 637:25 639:5 654:4 <b>documents</b> 508:19 508:20 509:3 538:19 539:11 541:20,22 594:23 595:24 600:6 616:15 636:7,8,16 661:22 662:2,13 662:16 690:9 715:6,6 <b>doing</b> 524:6 604:4 620:16 682:22 <b>door</b> 569:22 <b>double</b> 661:1 <b>doug</b> 563:24 <b>download</b> 526:3 <b>draft</b> 548:23 566:2 570:17 <b>dramatically</b> 663:20 <b>drew</b> 634:19 635:13,14,14 <b>driver</b> 540:25 <b>drivers</b> 622:7 <b>driving</b> 639:20 <b>drove</b> 622:1 <b>dub</b> 553:4,4,4 <b>due</b> 681:15 <b>dunn</b> 500:5 501:5 506:20	<b>e</b> <b>e</b> 499:6 503:8 504:1 505:1 722:9 722:12 723:1 724:3,3,3 <b>e.g.</b> 563:25 625:16 <b>earlier</b> 533:15 633:14 661:17 <b>early</b> 564:16,16 <b>easy</b> 526:2 <b>ecosystem</b> 523:16 544:23 607:19 <b>eddie</b> 541:4 634:18 636:14,16 <b>edge</b> 513:14 <b>educated</b> 523:18 <b>effect</b> 535:4 <b>effective</b> 594:2 599:7 <b>effort</b> 550:14 593:22 604:6 608:19 610:14 624:6 636:11 644:16 <b>efforts</b> 510:8 622:13 624:10 636:13,15 639:9 690:13 <b>eight</b> 545:17 546:14,23 551:22 573:20 585:17 589:6 591:21 <b>either</b> 533:21 585:18 635:12,15 635:19 637:15 703:20 715:4 <b>elapsed</b> 545:19 <b>elia</b> 509:14 510:13 510:24 511:3,9 668:23	<b>eliminated</b> 555:15 <b>email</b> 503:11,21 504:4,14 509:14 541:10,13,14,16 542:11,12,16 581:15,23 602:16 602:18,20 603:25 605:1,3,22 606:9 608:4 609:6 611:10,24 614:14 620:12,14 634:18 636:5 660:3,21 662:4 <b>embed</b> 553:5 <b>emit</b> 511:10,17,21 511:25 512:15 513:17,23 539:4 611:3,14,19,25 614:1,2 617:20,23 638:8 641:7 655:3 655:10,13 683:8 683:12,25 699:23 703:25 <b>emitted</b> 546:17 610:12,17 640:25 654:11,24 657:22 679:17,23 681:8 681:13 682:18 683:10 684:5 697:9,16,20 698:13 703:16,21 704:16 <b>emitting</b> 514:4 <b>emma</b> 498:8 507:2 <b>employed</b> 588:10 <b>employee</b> 666:17 721:18 <b>employees</b> 509:5,6 663:8 707:2,5 <b>employment</b> 520:23	<b>empty</b> 558:15 <b>enable</b> 573:12 579:18 580:18 589:9 670:5 <b>enabled</b> 704:12 <b>enacted</b> 551:5 552:3 557:3 558:13 566:4 568:19,25 <b>encourage</b> 530:7 <b>endeavor</b> 534:22 <b>endpoints</b> 678:19 679:4 695:21 700:5,17 <b>energy</b> 531:5 <b>enforcement</b> 509:18 <b>enforcing</b> 601:21 <b>engaged</b> 544:21 671:18 <b>engagement</b> 652:4 652:14,16 <b>engineer</b> 582:3 <b>engineering</b> 651:3 682:3 <b>engineers</b> 690:10 <b>england</b> 496:15 497:17 506:1 <b>enhance</b> 602:7 626:17 <b>enrich</b> 524:19 <b>enriches</b> 530:4 <b>ensure</b> 534:8 574:11 578:6 610:1 637:24 639:1 <b>ensuring</b> 545:21 <b>entail</b> 681:17 <b>enter</b> 526:11 <b>entire</b> 608:19 687:19
---	--	---	--

HIGHLY CONFIDENTIAL

[entirely - explains]

<b>entirely</b> 556:12 609:15 633:13 641:2 <b>entirety</b> 595:1,20 <b>entities</b> 519:3,12 519:21 521:23 527:12 540:18 567:1 671:16 674:14 677:2,4,20 699:6 <b>entity</b> 521:12 530:23,24 590:10 612:19 676:10 687:2 <b>entry</b> 695:25 <b>enumerate</b> 552:16 617:2,3,5 <b>equipment</b> 525:18 <b>errata</b> 722:14,16 723:3,5 <b>escalate</b> 642:16,22 644:2 645:5 <b>escalated</b> 643:6 644:9,11 <b>escalation</b> 504:15 504:18 634:20 635:20 636:20 640:12 <b>establish</b> 622:14 <b>established</b> 520:21 <b>estimate</b> 644:8 <b>estimates</b> 643:15 643:20 <b>estimation</b> 571:8 626:2 <b>et</b> 552:12 <b>evaluates</b> 640:2 <b>event</b> 639:8 <b>events</b> 512:5,25 513:15 621:17 661:6 699:7	<b>eventually</b> 555:8 <b>everybody</b> 529:17 <b>evidenced</b> 592:7 <b>evolve</b> 622:15 <b>ewright</b> 498:16 <b>exact</b> 513:4 543:17 718:7 <b>exactly</b> 528:2 544:8 557:1,2 559:19 588:18 621:22 629:10 643:11 652:9 653:21 657:24 658:4 659:15 680:8 689:13 713:25 <b>examination</b> 503:2 508:4 662:16 <b>examined</b> 508:2 <b>examining</b> 508:13 <b>example</b> 518:18 523:1,4 525:3 529:11 530:1 538:4 540:17 547:17,21 560:7 566:9 574:7,7 625:5,10 626:8,13 646:10 688:11 692:17,19 700:23 710:22 711:20 <b>examples</b> 518:15 527:23 617:6 626:10 673:1,4 695:13 710:24 711:15 712:1,10 713:3 <b>exception</b> 685:12 686:9 <b>exceptions</b> 584:13 587:9	<b>excerpted</b> 595:1 <b>excerpting</b> 594:14 <b>excess</b> 566:11 <b>excuse</b> 509:8 682:10 <b>executed</b> 720:6 <b>executive</b> 660:9 <b>exempt</b> 558:22 559:14 560:12,13 569:1 572:8 <b>exercise</b> 640:6 <b>exhibit</b> 503:11,15 503:21 504:4,8,14 504:18 505:4,13 505:15,17 541:5,9 542:1,2,3 543:3,4 543:19 579:13,15 581:18 592:10 593:21 594:1,11 598:22,22 599:15 599:19 602:12,25 616:4,5 634:13,17 634:25 635:3,6,23 636:4 659:23,25 659:25 660:2 668:8,17,19,20 669:24 670:24 706:17,21,21 <b>exhibits</b> 505:11 <b>exist</b> 510:21 514:3 536:12 556:24 558:6 570:20 572:2 581:3 683:10 698:17 <b>existed</b> 511:15 529:12 566:7 576:24 606:18 607:16 610:15 612:25 624:7 <b>existence</b> 587:6,17 587:19 642:13	679:18 685:7 <b>existing</b> 621:13 622:13 <b>exists</b> 581:2 702:4 704:25 <b>expect</b> 583:1 653:22 699:17 <b>expectations</b> 607:19 <b>expected</b> 529:15 559:4 571:24 591:13 604:22 650:15 651:8 653:14,21 <b>experience</b> 523:21 545:2 602:8 617:11 625:25 626:17 643:2 651:2 675:7 <b>experiences</b> 583:10,17 671:22 694:7 708:9 712:8 <b>expert</b> 600:25 601:20 652:9 658:23 664:7 665:21 666:10 667:7,17 689:2 <b>expertise</b> 523:17 668:3 <b>expiry</b> 566:9 <b>explain</b> 523:18 545:15 554:15 594:25 604:24 650:8 654:2,5 680:10,11 687:22 690:22 710:8 <b>explained</b> 710:15 <b>explaining</b> 645:16 646:17 650:2,21 <b>explains</b> 604:4
--	--	---	---

HIGHLY CONFIDENTIAL

[explanation - fairly]

<b>explanation</b> 534:18 601:13 623:7,9 693:3 710:4 <b>express</b> 530:13 <b>expression</b> 682:6 <b>extension</b> 685:7,13 685:24,25 686:16 687:20,23 <b>extensions</b> 685:11 686:8 688:1 689:19,23 690:5 690:16 <b>extensively</b> 683:22 <b>extent</b> 509:11 513:22 540:16 607:8 640:15 <b>external</b> 574:8 620:22 638:11 <b>externally</b> 583:12 <b>extremely</b> 669:17	527:10,13,17,18 527:19 528:9,12 528:14,17,24,25 529:1,4,5,7,21,21 530:4,5,7,9,10,14 530:15,22 531:1 531:10,11,17 532:3,4,18,19 533:4,5,9,10,13 536:2,3,11,13,25 537:1,18,22,24 538:12,13,15 539:21,25 540:15 543:8 544:11 546:6 547:4,22,25 548:9 549:4,23 550:3 552:21,24 553:4,24 559:3 560:2,5,13 565:10 567:2,4,16,20 570:22,25 571:24 574:16 575:7,17 577:22,25 578:4 578:12,15,16,18 578:23,24 580:17 580:22,25 581:4 583:15,20,22 584:3 586:3,6 587:24 588:7,11 588:12 589:3,10 589:12,14,16,18 590:16 592:13 593:14,23 594:5 594:25 595:15 596:6,7,11,14,23 596:25 597:14,19 597:20,21 599:5 599:25 600:1 601:25 606:14 607:1,7,12 608:18 611:18 612:4,13	612:18,19,24 613:2,17 615:15 617:24 618:4 619:6,12 623:14 629:2 632:4,6,16 638:20 639:8 640:13 641:6 643:5,8,10 644:1,3 647:14,16 652:5 653:25 655:2,8,18 657:4,14,19 659:4 659:18,21 660:15 663:23 664:11,25 665:6,12,20 666:3 667:2,22 668:9,11 670:19 671:2,8,9 671:10,15,18,20 671:21,21,23,23 671:24 672:25 673:5,8,15,16 674:2,13 675:3,12 675:15,24 676:11 676:15,19 677:2,4 677:22,24 678:1 678:15 679:7,16 679:19,25 683:11 683:24 684:4,11 684:13 685:3,19 689:7,17 692:20 693:2,3,7,9,11,13 693:17,20,23,24 694:4,8,9,14 695:2 697:15,20 698:15 698:22 699:4,6 701:10 703:3,6,13 704:2,15,19,23 706:4,10,22,23,24 707:2,3,5,8,10,13 707:21 708:2,5,5 708:10,17 709:24 710:9,19 711:12	712:22 722:4 724:1 <b>facebook's</b> 496:12 505:6 510:8 528:14 538:25 544:14,25 545:22 547:10 548:7,19 548:22,25 549:9 549:12 582:9 583:25 594:17 598:7 600:25 601:21 613:4 639:3 642:23 660:9 664:10 667:10,21 669:2 670:22,25 671:12 671:17 674:7 676:16,20 677:7,9 678:9,14 680:3,24 681:3 683:20,22 684:1 687:21 690:3 691:1 692:15 694:17 698:21 706:25 707:6 <b>facility</b> 682:4 <b>facing</b> 552:25 620:22 707:20 <b>fact</b> 548:19 560:2 608:21 643:5 647:8 <b>factor</b> 540:8 <b>factors</b> 621:23 659:12 <b>fair</b> 529:5 548:21 591:14 611:18 612:12 629:3 631:21 647:6 648:18 693:10 <b>fairly</b> 643:20
<b>f</b>			
<b>f8</b> 582:12 <b>facebook</b> 496:3 497:3 500:4 501:4 505:4 506:10 509:5 511:1 513:21,21 514:2 515:4 516:8,11,24 517:11,12 518:2,3 518:7,13,13,23 519:4,6,7,9,16,24 520:6,12,15,24 521:12,14,19,20 521:25 522:1,3,11 522:17,19,20,22 523:2,9,12,25 524:7,10,11,16,19 524:24 525:9,19 525:20,20 526:1 526:10,15,17,19			



HIGHLY CONFIDENTIAL

## [fairness - fourth]

<b>fairness</b> 528:23 529:4	<b>fewer</b> 696:18	685:1,1,3 695:25 708:4	656:12 659:7 664:1 665:17,24
<b>fall</b> 568:3 703:25	<b>field</b> 685:8 700:5	<b>fit</b> 702:8	666:8 667:5,12,25
<b>falls</b> 649:4	<b>fields</b> 678:20,22 679:8 691:10	<b>five</b> 714:20	674:4 681:10
<b>familiar</b> 597:6 610:7 698:23	695:21 700:17	<b>flagged</b> 640:11	684:2 688:3,25
<b>familiarize</b> 603:2	<b>figure</b> 511:16 557:24	<b>flip</b> 643:14 684:9	689:10 690:7
<b>familiarizing</b> 603:5	<b>fill</b> 647:21 649:19 650:15	<b>floor</b> 502:8	692:25 694:20
<b>family</b> 663:9	<b>filled</b> 657:11	<b>flow</b> 535:16	695:7 699:12
<b>far</b> 551:9 552:8 628:3,17,19	<b>filling</b> 650:7	<b>focus</b> 514:24 550:14 598:23	701:19 702:5
631:17	<b>final</b> 558:17 587:12 642:15,21	<b>focused</b> 521:23 522:7 534:12	703:17 704:4,21
<b>faster</b> 517:20 627:12 629:3	645:4,14 646:16	703:20 704:11	705:8 706:8
<b>fb</b> 503:13,18,19 504:6,11,12,16,19	649:25 650:19	<b>fold</b> 609:10	708:19 710:2,12
504:20 505:7,8	<b>finally</b> 511:1	<b>folks</b> 564:7	711:5 713:1,24
<b>fb.com</b> 722:2	<b>financially</b> 721:17	<b>followed</b> 643:12 646:3 658:24	714:14 715:20
<b>feature</b> 712:23	<b>find</b> 530:11 600:3 604:1 641:23	<b>following</b> 620:20 654:10 669:1	716:7 717:1,16
<b>featured</b> 604:17	644:13,23 669:11	673:3 700:9	718:1
<b>features</b> 561:10,16 573:10,16 575:20	712:19	<b>follows</b> 508:3 722:8	<b>formal</b> 515:13
576:19,21 605:7,7	<b>fine</b> 594:9 597:11 597:11 662:22	<b>fonti</b> 499:5 506:24	518:10 560:15
605:10,13 708:5	<b>fining</b> 591:15	<b>foregoing</b> 720:2 721:5,7,11,13	562:17 563:3
712:15 715:17	<b>finish</b> 715:2,8	<b>form</b> 512:7,19 513:25 516:4	568:24 571:6
<b>february</b> 668:22	<b>finished</b> 539:18 627:8	517:23 518:24,25	578:24 579:8,10
<b>federal</b> 721:14 723:1,8,9	<b>finishing</b> 715:13	519:17,25 521:14	580:12 587:12
<b>federated</b> 640:2	<b>firehose</b> 589:1,4 589:24,25 590:3,4	523:23 524:12,24	614:25 705:10,23
<b>feel</b> 591:1,4 612:21 624:25 625:22	590:6	524:25 528:6,18	<b>formally</b> 572:13
650:25 657:12	<b>first</b> 545:20 552:8 555:14 561:9	529:24 536:7	<b>forms</b> 538:15
665:18,25 666:14	573:14 597:24	547:7 549:6	<b>formulated</b> 715:24
666:20,24 667:8	611:11 624:15	554:13 555:18	<b>formulation</b> 689:4
667:17,18 668:2,2	628:4,20 633:12	556:10 557:7	<b>forth</b> 534:25 721:7
668:4 674:8	636:19 640:1	558:18 562:20	<b>forward</b> 620:24 621:16 684:9
683:19 688:5	645:10 648:25	567:23 574:19	<b>found</b> 591:2,5 640:10
689:5 690:22	649:1,6 651:17	575:10,21 577:24	<b>foundation</b> 516:5 658:20
718:3	669:1 678:10	611:21 612:16	<b>four</b> 550:5 561:18 566:16,17 567:19
		641:9 644:5	567:21 568:1,3
		646:20 655:22	584:16,17 673:1,4 710:22,22
			<b>fourth</b> 668:12

HIGHLY CONFIDENTIAL

[frame - give]

<b>frame</b> 510:9 551:23 572:3 598:13 <b>framework</b> 563:4 <b>framing</b> 667:6 <b>francisco</b> 500:11 541:4 <b>frankly</b> 635:5 686:25 <b>frcp</b> 723:1 <b>frequently</b> 523:9 <b>friday</b> 660:18 <b>friend</b> 509:20,20 510:25 511:6,10 511:15,17,21,25 512:16 513:23 534:3 536:24 539:4 540:19 552:11 553:8,8,10 555:3,13,14,15 557:5 575:6,13 576:1,8,9,20,25 577:1,2,8,11,22 578:3,12,23 583:4 583:9 587:9 590:23 591:2,5,15 593:2,22 600:2 602:2 605:14 610:12,17,19 611:3 614:2,20 615:4 617:21 618:4 640:25 641:7 657:23 664:20 665:1,14 666:5 667:11,23 677:18,25 679:23 679:23 683:8,12 683:15,21,25 684:1 685:5,10 687:14 688:21 689:8 698:13,22	699:7,24 703:5,9 703:16,21,22,23 703:25 704:11,17 706:7 709:8 713:8 713:13,15,16,20 713:21,22 714:6,8 714:11 716:2,3 <b>friends</b> 512:14 513:1,2 523:4 524:18 530:5 552:11 553:7 555:3,12 557:5,14 583:3,5 584:13,18 602:4 617:24 663:9 677:21 678:19 683:16,17 691:11 695:22 699:9,9 700:6,18 703:9 704:13 708:10 714:18 716:4,14,22,24,25 717:8,11,14,15,20 717:21,23 718:15 718:17 <b>front</b> 600:12 <b>frozen</b> 609:11,14 609:16,16,20 <b>ftc</b> 712:17 <b>full</b> 512:10 553:8 583:4,9 610:24 638:14,17 708:23 <b>fully</b> 540:3,4 592:25 610:20 615:12 621:24,25 621:25 633:16 663:15 680:10 <b>function</b> 637:23 638:4 <b>functional</b> 561:18 562:9	<b>functionality</b> 560:18 <b>functions</b> 533:7 <b>further</b> 597:2 608:12 643:6 719:7 721:13,17 <b>future</b> 524:23 525:3,8 573:13,13 579:18 580:18 607:2,24 608:7 622:13,15 <b>g</b> <b>game</b> 588:17 712:12 <b>games</b> 561:18,18 565:15 566:17,18 566:23,24 568:9 712:8 <b>gamut</b> 512:10 526:20 552:21 <b>garbled</b> 630:3 <b>gareth</b> 581:16 582:2,3 <b>garrie</b> 502:5 507:3 507:6,7 533:14,19 533:23 534:4,14 535:9,10,25 595:11,18,25 596:3,12,16,20 597:1,4,9,15,17 598:3 599:1,3 719:9,18 <b>gate</b> 701:2 <b>gated</b> 610:23 620:22 <b>gating</b> 639:1 <b>general</b> 502:16 528:10 530:21 531:22 540:14 597:19 680:23	<b>generally</b> 516:15 521:18 528:23 552:17,19 564:8 583:25 584:4 589:7 596:8 623:10 674:11 697:4 701:9 <b>getting</b> 546:8 676:5 711:22 717:14 <b>gibson</b> 500:5 501:5 506:20 <b>gibsondunn.com</b> 500:13,14,22 501:12,19 <b>give</b> 507:21 512:2 517:21 525:3,14 527:4 529:10 532:10 533:17 534:18 546:10 579:1 580:5 585:7 594:6,13 595:7,9 601:4,8,12 605:2 606:22,23 607:12 612:20 613:23 614:12 615:6,9,9 615:13,17 620:2 621:12 623:2,5 624:25 625:4,4,22 625:23 626:11,24 626:25 627:16 629:7,24 633:16 639:17 641:5 642:9 651:1 652:24 654:19 655:7 659:13 665:9 667:18 673:21 674:8,9 675:3 676:6 684:18 689:6,15 701:25 710:4
---	--	--	--

HIGHLY CONFIDENTIAL

**[give - happy]**

711:25 712:20 713:5 714:2 716:19 <b>given</b> 545:18 546:13 547:15 564:19 581:11 602:6 606:11,11 606:20 623:19,19 625:25 679:20 685:4,7 702:24 704:23 708:16 709:7 710:16,18 710:22 713:3 717:24 719:6 721:12 <b>gives</b> 673:1 677:15 711:15 <b>giving</b> 512:22 603:2,22 615:5,25 655:9 678:2 <b>giza</b> 518:20 <b>go</b> 521:9 526:4 529:25 530:19 535:14 536:17 537:25 539:9 542:7,9 543:2 545:7 550:18 552:8 557:16,24 570:1 571:11 576:1 579:12,15 581:13 585:10 588:15 599:10 601:12,16 603:10 604:14 611:9 616:3 618:14 619:1 620:15 622:21 627:7 630:10 632:9,22 634:1 636:1 638:23 639:15,21 642:2,3,4,14	644:25 646:6 649:21 657:17 659:23 662:23 663:3 669:11 670:17,21 672:14 676:12,13 682:23 686:11 690:24 694:6 695:24 700:25 707:19 709:4,19 712:13 715:9 718:19 719:10,20 <b>goal</b> 550:17 558:8 558:19,21 560:1 569:1 572:6,7,8 <b>goals</b> 545:11 547:5 548:16,18,19,22 548:25 549:3,9,9 549:13,22 550:3,9 550:11 <b>goes</b> 583:8 584:12 586:23 <b>going</b> 507:13 533:19 534:6,16 536:16 541:8 546:14,24 554:22 555:15,16 569:21 572:15 585:2,11 586:3,6 592:12 594:15 595:18 597:23 599:10 602:15 603:9 616:16 618:16 621:16 637:5,6 648:16 659:24 661:12,14 668:7 668:14 684:25 702:7,14,17 717:3 <b>good</b> 506:16,23 508:6,6 533:17 534:20 547:21	569:11 623:8 714:23 <b>govern</b> 577:7 578:1 589:17 605:23 <b>governs</b> 528:13 <b>grant</b> 533:6 584:21 585:23 586:1 620:21 684:14 689:18 <b>granted</b> 575:19 684:13,16 689:23 696:9 <b>granting</b> 573:9,15 576:19,20 <b>graph</b> 510:21 524:18 529:2,12 529:14,17 530:2 531:19 544:5 545:20 546:3 550:25 552:10,22 579:20 581:1 685:9,11,17,19 686:1 691:11 694:3 695:23 700:19 <b>graphic</b> 644:1 <b>great</b> 514:18 548:10 569:12 603:12 618:19 <b>greatly</b> 653:22 <b>group</b> 524:22 525:5,6 526:24 527:9 562:9 563:24 631:19 656:4 658:18 <b>groups</b> 512:5,25 513:15 561:18 699:8 700:23 701:4,9,9 702:10	<b>growing</b> 524:5,5 <b>guardian</b> 518:21 <b>guess</b> 536:16 <b>guessing</b> 584:12 <b>guidance</b> 663:4 <b>guys</b> 603:22 <b>h</b> <b>h</b> 503:8 504:1 505:1 724:3 <b>half</b> 566:5 <b>hand</b> 507:17 513:6 <b>handled</b> 565:15,16 565:17,19 722:8 <b>handling</b> 571:25 <b>handwritten</b> 514:10 <b>hang</b> 712:20 <b>hannah</b> 501:6 506:22 <b>happen</b> 561:13 562:11 563:11 564:16 565:23 571:22 579:19 608:21 610:5 622:18,20 640:5 <b>happened</b> 557:4,6 557:9,23 561:21 561:22 562:14,14 563:15 564:24 565:5,7 566:1 571:3,7,23 573:3,4 580:10 610:7,10 639:18 643:1 659:11,15 660:15 717:12 <b>happening</b> 579:21 623:9 <b>happy</b> 514:23 569:9 597:12,25 648:20
--	---	--	---



HIGHLY CONFIDENTIAL

[hard - including]

<b>hard</b> 520:3 525:10 530:21 557:8 563:14,21 565:24 573:2,3 578:17 588:11 594:19 595:3 607:10 608:3 612:7,8,8,17 615:9 616:25 624:2,24 626:24 627:20 629:6 630:20 648:11 659:13,13 674:8,8 704:8,8,25 <b>he'll</b> 715:7 <b>head</b> 573:20 <b>header</b> 570:8 571:12,19 608:16 637:13 639:22 642:18 643:15 645:3 695:25 <b>headers</b> 687:1 <b>heading</b> 561:2 566:13 568:10 604:10 620:18 622:10 663:4 671:2 <b>hear</b> 583:2 715:7 <b>heard</b> 528:19 <b>heartbeat</b> 517:22 <b>hello</b> 604:1 <b>help</b> 509:5 514:10 532:7 533:16 537:19 553:16 593:17 608:9 614:5 633:2 637:12 649:13 656:25 679:11 683:14 <b>helped</b> 550:23 <b>helpful</b> 592:23 625:3 634:25	683:3 702:18 <b>helping</b> 708:3 <b>helps</b> 537:24 <b>hendrix</b> 509:7,16 <b>hereto</b> 541:7 543:6 581:20 602:14 616:7 634:15 635:25 706:19 <b>hi</b> 625:16,18 626:1 <b>high</b> 557:12 640:11,11,13,14 641:1,1,8,8 643:7 643:8 644:3,3 656:11,11,20,21 657:3 <b>highly</b> 496:11 719:3 <b>historical</b> 622:12 <b>history</b> 527:25 <b>hits</b> 680:20 <b>hive</b> 698:8,11 <b>hoc</b> 562:19,22 <b>hold</b> 682:21 <b>holistic</b> 588:13 <b>home</b> 569:23 <b>hope</b> 537:4 634:7 <b>hour</b> 618:16 <b>hregan</b> 501:12 <b>hubs</b> 673:6 <b>huge</b> 570:18 <b>hurren</b> 541:11 542:24,24,25 570:12,13	<b>ideally</b> 514:19 520:12 <b>identical</b> 572:10 <b>identifiable</b> 614:19,21 615:23 615:24 <b>identification</b> 541:6 543:5 581:19 602:13 616:6 634:14 635:24 706:18 <b>identified</b> 511:24 529:21 605:21 619:6,12 620:10 620:11,14 629:13 631:8 657:4 662:3 662:9,13 672:5 677:3,5 689:19 699:4,18 705:4,19 <b>identifies</b> 690:25 703:14 <b>identify</b> 506:14 623:12 629:19 630:7 633:8 642:11 683:25 684:12 698:13 710:25 <b>identifying</b> 604:25 623:18 678:15 680:4 <b>iii</b> 496:17 503:3 722:5 724:2 <b>illustrative</b> 695:13 <b>imagine</b> 555:24 590:17 <b>imaging</b> 570:19 <b>ime</b> 541:3,12 602:17 <b>impact</b> 544:13,22 548:12 558:22 560:14 569:2	651:14 <b>impacted</b> 570:10 570:23 571:1,9 583:2 <b>implement</b> 550:24 <b>implementation</b> 574:14 639:2 <b>implemented</b> 549:4,24 559:18 559:19 574:10 638:12,15,18 686:2 697:15 <b>implementing</b> 574:13 638:20 <b>implications</b> 522:16 <b>important</b> 567:6 574:10 577:6 578:1 579:5 <b>impossible</b> 598:11 <b>imprecise</b> 633:4 <b>improving</b> 622:7 <b>inappropriate</b> 647:18 <b>inc.'s</b> 668:11 <b>include</b> 578:23 605:13 610:12 674:24 694:13 699:6 711:11,16 711:17 712:2,11 <b>included</b> 577:8 610:25 619:7 662:17 671:24 684:6,7 692:13 699:15,17 703:7 709:23 722:14 723:3 <b>includes</b> 602:4 615:1,4 692:3,6 <b>including</b> 509:25 538:11 602:17
	<b>i</b>		
	<b>i.e.</b> 554:25 604:18 605:5 <b>ian</b> 502:16 506:21 <b>idea</b> 554:5 559:12 570:14 596:15 609:25 611:1 623:11 653:7		

HIGHLY CONFIDENTIAL

[including - investigate]

604:5 610:17 611:2 685:10 709:11 <b>incomplete</b> 680:13 <b>increase</b> 523:10 <b>index</b> 503:1 589:9 <b>indicated</b> 598:19 662:1,2 686:5 <b>indicates</b> 685:3 686:8 <b>indicative</b> 572:11 <b>individual</b> 564:5 <b>industry</b> 590:7 <b>info</b> 663:10 <b>inform</b> 656:25 <b>informal</b> 591:20 <b>information</b> 529:5 537:8 538:8 545:22,23 546:17 556:1,20 563:18 575:12 578:4 586:18 590:10,12 590:18 591:11 592:8,18,19 593:5 593:6 600:15,16 602:1,4 614:19,21 617:16,23,25 618:10,13 626:15 626:16 628:18 648:14 649:4,20 651:6,14 656:25 657:13 676:18 679:7,16,23,25 680:2,5,25 681:4,5 681:8,13,16,22 682:8,18 683:10 684:5,7 687:24 688:7 689:2 690:14 695:15 696:22 697:2,8,19 698:16 704:6,7,10	704:13,24 707:2,5 707:22 708:17 709:25 710:10,16 710:18 711:13 712:16 713:4,13 713:15 714:12,18 715:18 716:21,24 717:7,13,19 718:15 <b>infrastructure</b> 514:2 <b>ins</b> 552:11 553:5,6 <b>inside</b> 553:3,4 <b>insignificant</b> 590:18 <b>installed</b> 717:13 <b>installs</b> 696:19 <b>instances</b> 681:18 <b>instant</b> 604:18 605:16 <b>instruct</b> 534:17 <b>integrate</b> 567:4 622:12 <b>integrated</b> 675:11 <b>integration</b> 518:24 519:3 521:14 523:1 537:7 538:4 538:9,24 566:21 566:22,25 567:9 567:17,20,25 568:4,6 584:24 589:6,9,23 590:1 590:15 671:3,13 671:16,17 672:25 673:1,7,12,16,19 674:2,12,14,17 675:9,9,10,14,20 675:21,23 676:10 676:16,19 677:3,5 677:10,14,18 678:14,16,17	679:2 692:3,10,10 692:14,22 693:6 693:11 694:17,23 695:4,10 708:8 709:12 714:17 716:9,11,15 <b>integrations</b> 517:13 518:4,7,12 520:11 521:24 522:8,10,14 524:14 536:9 547:17 559:1,4,6 559:11,22 560:6,7 560:17 563:5 567:10,14 568:8 604:19 605:17 671:18,22 673:6 674:16 692:6 693:9,13,16,19 694:18,25 695:5 695:12 708:21 709:10,12 711:2,7 711:18 712:3 714:2,16 717:4 <b>intend</b> 599:18 <b>intended</b> 648:4 649:19 650:5 656:9,19 710:6 <b>intent</b> 580:11 611:4 <b>intention</b> 646:24 <b>interact</b> 523:9 <b>interacting</b> 525:5 <b>interactions</b> 652:1 652:3 <b>interchangeably</b> 567:8 <b>interested</b> 579:24 721:18 <b>interesting</b> 523:7	<b>interject</b> 702:1 <b>internal</b> 663:10 <b>interpret</b> 601:3 627:21 650:23 674:20 <b>interpretation</b> 601:4 602:2 605:3 607:13 625:24 631:21 647:1,13 <b>interpreted</b> 630:22 <b>interpreting</b> 573:24 600:25 601:21 <b>interrogation</b> 589:17 <b>interrogatories</b> 668:13 669:2,14 670:8 684:10 699:5 709:5 <b>interrogatory</b> 668:8 670:13,17 670:22,25 672:24 674:3 676:20 678:5,10 684:11 691:1 699:5 709:5 711:2,10 <b>interrupt</b> 533:25 535:16 <b>intervene</b> 533:16 <b>introduce</b> 541:9 597:5,7,12,14 598:21 599:11,19 634:16 668:8 <b>introduced</b> 607:17 607:18 639:1 <b>introducing</b> 599:21 620:21 <b>investigate</b> 513:20 513:21 624:13,15 628:10
--	--	--	---

HIGHLY CONFIDENTIAL

[investigating - lasted]

<b>investigating</b> 627:4 <b>investment</b> 608:13 <b>investments</b> 531:4 607:3,24 608:8 <b>invariable</b> 513:1 699:9 <b>involve</b> 630:15 <b>involved</b> 558:1,3 558:25 607:14,14 627:21 629:9 640:19 641:20,24 644:16 651:2 654:20 690:10 697:6 718:6,11 <b>involvement</b> 547:16 584:4 <b>involves</b> 658:14 <b>issue</b> 507:12 594:7 598:6 <b>issues</b> 580:24 620:9,23 <b>it'll</b> 541:9 569:23 593:21 <b>item</b> 651:17 652:20 655:15 <b>iteration</b> 680:3	724:2 <b>john</b> 502:18 506:11 <b>josh</b> 506:25 <b>joshua</b> 499:9 <b>jsamra</b> 499:18 <b>jsc</b> 496:4 497:4 <b>judgment</b> 534:21 <b>june</b> 496:16 497:18 506:1,6 721:23 722:3,5 <b>justification</b> 642:17,23 645:5 645:22 <b>justify</b> 645:15 646:17 648:4,16 649:13 650:1,8,20 656:10,19	<b>know</b> 512:12,17 512:23 513:7,12 517:2,24 518:9 523:17 525:10,16 527:3 531:5 538:21,22 539:22 540:1,12 546:14 556:19 557:10,13 565:4,10,11,24,25 567:13 568:19 571:3,4 578:10,15 578:17 583:9,11 585:7 590:3,4 597:18 598:4,20 606:8 609:14 610:6 612:9 613:21 614:16 615:13 619:9,19 620:1 621:24 622:23 629:8 632:3,9 633:3 635:9,16,18,20 637:19 638:1 639:14 641:6 642:8,25 647:16 651:7 652:19 653:19 657:8,17 657:18 658:4 659:8,15,19,21,22 661:21 662:10,25 663:16 672:6,11 676:4,9 677:20 681:2,21 684:4 689:13 697:1 701:20 704:5,6,25 706:10,13 710:22 711:22 717:3 718:5 <b>knowable</b> 540:4 <b>knowledge</b> 682:13	<b>knowledgeable</b> 540:14 601:7 612:3,11,23 <b>known</b> 511:7 606:17 626:18 708:8 <b>knows</b> 677:22,24 678:1 683:11 <b>kp</b> 602:16 603:25 606:8 609:22 611:24,24 612:2,9 614:13 619:9,12 625:1 629:13 631:13 633:13 668:24 707:11,15 707:20 708:2 710:7 712:14 715:16 <b>kp's</b> 605:15 611:10 625:23 709:23
	<b>k</b>		<b>l</b>
<b>j</b>	<b>k</b> 499:8 <b>keep</b> 529:19 569:8 682:22 <b>keeping</b> 582:6 <b>keller</b> 498:5 506:17,18 507:2 <b>kellerrohrback.c...</b> 498:14,15,16 <b>key</b> 620:9 <b>kick</b> 507:14 <b>kids</b> 569:22 <b>kind</b> 516:7 532:23 534:9 545:17 548:24 549:18 550:7 553:21 555:20 564:16 591:20 624:25 675:6 <b>kinds</b> 576:2 651:2 <b>knew</b> 554:18 619:19		<b>l</b> 496:21 497:20 721:1,24 <b>l.l.p.</b> 498:5 <b>labor</b> 671:11 <b>lack</b> 676:21 <b>lackman</b> 634:19 635:13,14 636:12 <b>lacks</b> 658:20 <b>land</b> 604:23 643:21 <b>language</b> 676:24 679:6 <b>large</b> 513:3 707:21 710:9 <b>largest</b> 561:9 <b>lasted</b> 686:16 687:20 689:19 690:5,16
<b>jackie</b> 541:11 571:13,16,17 660:3 <b>jams</b> 502:4 <b>jamsadr.com</b> 502:11 <b>jan</b> 611:12 <b>january</b> 515:9 685:14 <b>job</b> 496:24 515:21 516:7,11,13 517:9 543:8 709:11 711:17 722:5			

HIGHLY CONFIDENTIAL

[late - loeser]

<b>late</b> 550:7 555:21 564:16 676:5 711:23	588:22 589:1 590:20 591:1 628:4 654:7	707:19 <b>llp</b> 499:5 500:5 501:5	595:8,20 596:1,17 596:22,24 597:3,5 597:11,16,24
<b>latest</b> 637:24	695:25 722:15	<b>loading</b> 636:3	598:20 599:2,4,10
<b>launch</b> 541:24 544:4 554:19 565:3 574:23	723:4 724:4,7,10 724:13,16,19	<b>located</b> 497:16 <b>location</b> 496:15 <b>locked</b> 722:12 723:1	599:14,15,22 600:11 601:9 602:9,11,15 603:7 603:15 606:24
<b>launched</b> 531:23 608:18 638:11	<b>lines</b> 587:5 <b>linkedin</b> 515:8 516:9,14,20	<b>loeser</b> 498:6 503:5 506:16,16 507:1 508:5 512:12,24 513:19 514:6,13 514:18 515:1,2 516:12 518:5 519:5,23 520:4,13 521:16 522:9 523:11,25 524:21 525:4 526:4,10 527:8 528:11 529:3,19 530:8 531:10 532:25 534:1 535:11 536:1,2,15,23 537:20 538:25 539:16 540:11 541:8,16 542:1,2,4 542:10 543:2,7 548:1 549:14 550:11 555:1 556:3,19 557:16 562:25 568:2 569:10,14,24 570:1 574:24 575:5,17 576:7,15 578:7 579:12,16 581:13,22 583:24 584:11 585:21 586:23 588:14 589:24 591:24 592:10 593:9,13 593:19 594:10,15	607:23 608:6 612:2,12 613:2,16 614:1,7,16 615:2 616:3,8 617:3 618:14,15,20 619:1 622:9 623:10,23 624:12 625:15 626:8 627:7,25 629:12 630:2,5,6,13,25 631:7 632:4,21 633:25 634:16,22 635:2,9 636:1 637:3,10 638:19 639:7,21 640:24 641:17 643:4 644:13,25 646:6 647:6,14 648:2,13 648:25 649:21 650:16 651:9 652:17 653:5,16 653:24 655:2,15 656:8,17 657:2,14 657:21 659:2,18 659:24 660:1,23 661:1,5,20,24 662:12 663:2,3 664:9,18 665:12 665:22 666:3,16 667:1,9,20 668:7 668:10,20,25 669:24 670:1,2 672:3,14,23
<b>law</b> 498:9 499:10 500:8,17 501:7,15	<b>links</b> 647:3,4,5 <b>list</b> 512:2,9 513:3 553:8,22 554:2 555:2 565:20 583:5,9 674:23 675:13 676:15 677:2,4,9,9,15 685:3 686:22 687:19 689:13,19 690:4,25 691:2,5 692:1,3 695:14 696:23 699:2,18 699:20,22,25 700:11 701:3 702:6,9,12 703:11 703:13 704:16,18 705:4,14,19 706:1 708:15,23,25 709:16,20 710:23		
<b>lawyers</b> 534:9			
<b>lead</b> 570:21 645:21			
<b>leadership</b> 540:20 588:4,7 660:16			
<b>leading</b> 531:22			
<b>leads</b> 563:25 564:4			
<b>leak</b> 663:9			
<b>leaning</b> 515:23			
<b>learn</b> 511:3			
<b>learned</b> 511:5			
<b>left</b> 552:8 566:14 628:17,19			
<b>legal</b> 509:3 605:23 613:12 614:23 722:7			
<b>lesley</b> 499:6			
<b>letters</b> 628:4	<b>listed</b> 553:17 651:17 674:3 689:24 690:20,22 694:25 695:9 708:21,22 710:22		
<b>level</b> 527:11 540:6 548:8 554:17 557:12 563:12			
<b>levels</b> 632:2			
<b>levine</b> 602:17	<b>lists</b> 558:5 697:4 699:4,20 703:3,6		
<b>light</b> 682:14 694:22	<b>litigation</b> 496:4 497:4 506:11 722:4 724:1		
<b>likes</b> 513:13			
<b>limit</b> 663:21			
<b>limited</b> 680:4	<b>little</b> 542:8 593:10 620:7 625:7 633:4 633:15 670:20		
<b>line</b> 535:13,20 541:13 573:11,14			

HIGHLY CONFIDENTIAL

[loeser - matter]

673:15,23 674:22 675:14,23 676:12 677:17 679:13 680:17 681:7,18 682:16 683:4,6 684:9,24 688:10 689:7,17 690:2,13 690:24 691:20,24 692:16 693:8 695:2,14 697:7 699:16,25 700:10 701:6,23 703:1,24 704:14 705:3,18 706:4,15,20 707:1 708:24 709:4,22 710:7,15,25 711:9 711:17 712:2,7 713:7,19 714:5,25 715:16 716:1,13 716:23 717:9,23 718:19 719:10,12 <b>loeser's</b> 535:16 <b>log</b> 617:11 680:7 716:18 717:6 <b>logged</b> 679:25 680:5,8,20 681:22 714:18 718:15,16 <b>logging</b> 680:13 <b>login</b> 531:23 552:9 552:21,22 <b>logs</b> 680:9 <b>london</b> 496:15 497:17 506:1,6 714:21 <b>long</b> 512:9 547:12 594:4 618:22 668:14 669:17 672:6,11 689:18 <b>longer</b> 554:24 555:7 559:16 605:7 665:13	666:5 687:23 690:16 702:4 <b>look</b> 514:16 515:23 524:22 541:25 542:5 560:21 563:9 603:10 608:10,16 608:23 622:9 624:12 628:17 636:19 637:11 648:14,18 649:1 651:9 661:19 662:24 671:4,6 672:7,9,12 678:4 686:21 687:1 688:11 709:6 <b>looked</b> 522:13 610:14 646:8 669:18 <b>looking</b> 543:19 545:8 582:23 603:25 631:20 647:20 657:10 669:13 670:25 672:24 684:25 692:2 <b>looks</b> 609:24 <b>loose</b> 519:20 <b>los</b> 502:9 <b>lot</b> 554:18 556:16 556:17,19 559:17 634:3 636:8,9,17 637:6 668:16 699:3 <b>lots</b> 513:12 <b>low</b> 625:16,18 626:1 <b>lweaver</b> 499:15	<b>m</b> <b>m</b> 660:7 <b>macdonell</b> 502:18 506:11 <b>machine</b> 721:10 <b>mad</b> 592:16 <b>main</b> 604:22 <b>maintain</b> 531:12 532:5 536:4 649:14 <b>maintained</b> 604:16,20 609:10 698:4 <b>maintenance</b> 622:14 642:13 <b>majority</b> 670:4 <b>making</b> 530:15 533:10 540:2 541:1 546:16 568:16 614:15 617:14 621:24 622:2 <b>manage</b> 573:9,14 579:5 624:11 <b>managed</b> 517:4 544:24 563:6 567:11 <b>management</b> 660:4,8,10 666:18 <b>manager</b> 515:18 515:19 516:23 517:6 519:2 520:9 527:14 542:25 543:10 558:3 564:18 651:4,4 <b>managers</b> 526:24 543:12 564:9 <b>managing</b> 503:16 543:21 576:18 581:8,8	<b>manufacturer</b> 525:18 <b>map</b> 567:25 <b>mapping</b> 710:5,6 <b>maps</b> 584:23 620:13 <b>march</b> 504:14 634:19 636:21 660:4,12 <b>mark</b> 509:10 510:2,2,4 <b>marked</b> 505:11 541:5 543:4 581:18 602:12 616:5 634:13 635:23 660:2 706:17 <b>marketers</b> 561:19 566:18,24 <b>marketing</b> 565:18 <b>marne</b> 602:17 604:1 <b>master</b> 502:6 507:3,6,7 533:14 533:19,23 534:4 534:14 535:9,10 535:24,25 595:11 595:18,25 596:3 596:12,16,20 597:1,4,9,15,17 598:3,10 599:1,3 719:9,18 <b>match</b> 542:5 562:7 <b>matched</b> 562:7 <b>materials</b> 719:8 <b>matt</b> 500:16 506:21,23 <b>matter</b> 506:9 532:9 540:14 601:22
--	---	---	---



HIGHLY CONFIDENTIAL

**[matters - months]**

<b>matters</b> 671:5 697:13 <b>matthew</b> 499:7 <b>mau</b> 651:17,20,21 <b>mbi</b> 652:17,19 <b>mbuongiorno</b> 500:22 <b>md</b> 496:4 497:4 <b>mdl</b> 496:3 497:3 503:13,18,19,23 503:24 504:6,11 504:12,16,19,20 505:7,8 <b>mean</b> 511:20 513:11 514:19 525:2,17 526:20 526:22 528:5 529:4 531:15 532:8,21 537:19 544:13 547:4 548:4 550:2 558:23 563:14 574:2,4 579:22,22 590:8,9,22 592:4 597:21 598:1,8 599:4 600:21 607:6,24 608:14 612:7 613:8 614:6 614:7 625:19 627:3 628:13 632:1 640:13 650:23 654:14 666:23 673:16 675:21,23 680:16 683:14 698:5,6 702:19 709:3 <b>meaning</b> 547:15 652:3 <b>meaningful</b> 583:10,17 652:1	<b>means</b> 519:14 525:24 532:3 533:15 545:15 547:15 548:5,6,10 565:25 588:12 590:14,23 592:13 593:14 594:17,25 595:10 596:5,10 597:13,18 598:1 598:15 599:24,25 601:23 606:8 608:3,5,12 613:17 625:2 627:3 630:21 632:20 642:8 653:3 654:2 654:6 656:3 664:11 667:3 <b>meant</b> 627:23 629:11 664:22 665:20 666:11,13 666:21 668:5 693:15 715:23,25 716:11 <b>measures</b> 652:14 <b>mechanism</b> 590:1 701:21 <b>mechanisms</b> 580:13 639:2 680:6 681:12 <b>media</b> 693:13,15 693:18 709:11 712:2,6 <b>medium</b> 548:3 <b>meet</b> 588:16 674:16 <b>meetings</b> 509:12 <b>meets</b> 563:20,20 <b>melamed</b> 499:7 506:23,24 508:13 534:6,13 661:25 662:13	<b>memory</b> 546:23 <b>mentioned</b> 520:17 546:3 557:21 633:14 661:8 674:24 692:21 697:14 702:10 <b>merchants</b> 709:11 711:11,16 <b>message</b> 503:22 581:17 582:5 663:7 <b>met</b> 563:22 619:13 <b>meta</b> 502:17 503:23,24 510:5 582:4 621:7 <b>method</b> 560:21 561:3,5 565:20 <b>metric</b> 548:7 652:4 <b>metrics</b> 651:14 <b>mid</b> 548:24 549:18 549:18 550:7 551:6,7 553:21 554:18 555:21 566:3 <b>middle</b> 714:25 <b>migration</b> 582:21 <b>mill</b> 501:16 <b>mind</b> 535:5 549:23 573:17 576:20 603:1 636:23,24 <b>mine</b> 591:2 592:8 592:9 668:3 <b>mining</b> 591:3,6,16 <b>minute</b> 569:15 629:24 660:20 <b>minutes</b> 593:21 603:2 618:18 637:1 684:18 691:15 714:20	<b>missed</b> 552:11 <b>missing</b> 556:16 708:25 709:3 <b>mission</b> 500:9 <b>misstates</b> 522:4 656:12 682:24 692:24 <b>mistake</b> 665:16 682:25 <b>mistakes</b> 663:15 663:22,24 664:11 664:19,23,24 665:5,19 666:11 667:21 <b>misuse</b> 626:19 <b>mixcloud</b> 518:20 <b>mmelamed</b> 499:16 <b>mobile</b> 561:19 565:16 566:17,22 567:11 568:8 <b>modern</b> 639:3 <b>modifications</b> 552:1 <b>modified</b> 513:16 <b>modifier</b> 552:7 <b>modify</b> 702:20 <b>molaro</b> 509:10 510:2,3,4 <b>moment</b> 581:15 602:16 651:11 669:10 714:23 <b>momentarily</b> 634:17 <b>monday</b> 496:16 497:18 506:1 <b>money</b> 524:7 671:11 <b>month</b> 628:18 <b>monthly</b> 651:22 <b>months</b> 579:21 628:5,5 685:12
--	--	--	--

HIGHLY CONFIDENTIAL

## [months - object]

686:1,9,12,15,18 687:24 688:1,22 689:20,25,25 690:5,16 <b>moratorium</b> 609:18 620:20 621:3,4,9,12 <b>morning</b> 506:16 506:23 508:6 <b>morris</b> 581:16,23 582:2,3 583:1,8 584:11 585:22 586:23 587:7 588:15 <b>motion</b> 595:13 <b>move</b> 507:14 594:8 602:10 627:11 629:3 <b>moving</b> 620:24 <b>msi</b> 651:23 652:8 <b>multiple</b> 534:9 <b>mute</b> 507:10	<b>necessary</b> 550:24 565:21 722:14 723:3 <b>need</b> 517:21 535:6 555:10 564:15 607:1 608:6 609:10 618:17 627:11 629:18 630:7 638:8 641:19 672:7 714:1 716:3 <b>needed</b> 551:2 558:5 564:19 598:4 662:2 690:14 <b>needs</b> 558:6 620:25 <b>neither</b> 721:17 <b>net</b> 548:6 605:18 <b>netflix</b> 708:11 <b>networking</b> 673:5 <b>neutral</b> 548:2,5 <b>nevada</b> 496:22 <b>never</b> 676:22 <b>new</b> 532:12 533:2 549:5 550:25 558:2 563:10,13 563:15 564:25 568:14 572:18 582:12 620:21,21 620:22 621:14 708:12 712:6 <b>newsfeed</b> 523:3,7 524:17 530:5 552:12 553:11,11 575:14 <b>newsroom</b> 505:4 706:22,23,24 707:8 <b>noisy</b> 569:23	<b>nokia</b> 584:23 <b>non</b> 552:10 553:7 555:2,12 557:5 561:18 566:18,23 568:9 584:18 <b>normally</b> 586:20 <b>northern</b> 496:2 497:2 <b>notating</b> 722:15 723:4 <b>note</b> 572:10 686:21 714:19 719:1 <b>noted</b> 719:9,18,23 <b>notes</b> 514:7,10,14 631:1,6 668:25 669:8,11 720:4 <b>notice</b> 508:11 660:24 662:20 <b>noticed</b> 661:13 <b>notices</b> 662:14 <b>noticing</b> 506:15 <b>notification</b> 566:9 <b>noting</b> 558:16 <b>november</b> 621:6 <b>now's</b> 569:12 <b>nps</b> 548:2,3,5,5,6 548:12,13 550:13 <b>nuance</b> 557:10 <b>number</b> 503:9 504:2 505:2,12 526:15 532:13,14 536:9 538:5,6 541:21 542:5 543:17 550:2 561:23 573:22 578:5 607:15 610:21 616:25 617:7,8,14 621:23 624:6,10,10 632:23 638:9,9	649:6,8,10 659:12 665:15 666:6 668:19 689:8 690:4 708:21 722:15 723:4 <b>numbering</b> 670:19 678:8 <b>numbers</b> 542:3 545:10 561:6 631:20 635:4,6 <b>nyt</b> 604:22
<b>n</b>			<b>o</b>
<b>name</b> 509:9 515:6 515:7,13 544:3 609:21 615:22 665:10,10 684:12 687:5 696:1,4 721:21 <b>names</b> 531:21 613:22 617:10 <b>naming</b> 590:5 <b>nature</b> 518:4 <b>nearly</b> 545:17,17 <b>necessarily</b> 547:10 550:16 557:3 576:23 580:10 678:18,18 679:3 679:22 681:8 717:21 718:17			<b>o'neil</b> 541:4 634:18 636:14,16 <b>o0o</b> 506:3 719:25 <b>oakland</b> 499:13 <b>oath</b> 508:2,15,16 615:3 721:9 <b>object</b> 512:7,19 513:25 516:4 517:22,23 518:25 519:17,25 524:12 524:25 528:6,18 529:24 530:18 536:7 547:7 549:6 554:13 555:18 556:10 557:7 562:20 567:23 574:19 575:10,21 577:24 585:7 594:22 600:6 601:15 607:8 611:21 612:16 613:6 614:3 621:19 640:15 641:9 644:5 646:20,20 655:21 656:12 659:7 664:1 665:17,24 666:8 667:5,12,24 667:25 674:4

HIGHLY CONFIDENTIAL

**[object - organization]**

681:10 684:2	713:22 714:6,11	546:25 548:1	710:15 711:9
688:2,3,24 689:10	716:2,4	549:19,22 550:18	712:7,22 713:7
690:6,6 692:25	<b>obtained</b> 670:8	551:9 555:1 556:7	715:12 716:13
694:19 695:6	696:22 713:21	557:16 560:21	719:21
696:24 699:12	<b>obviously</b> 514:23	561:17 562:25	<b>old</b> 546:14
701:19 702:14	719:12	563:23 566:24	<b>once</b> 535:13,20
703:17 704:4,20	<b>occur</b> 630:15	569:1,4,16 570:1,7	594:10 661:9
705:7 706:8	637:20 638:3	570:14 571:11	<b>ones</b> 512:14
708:18,19 710:2	645:25	573:8 576:7	518:11 611:14,19
710:11,12 711:5	<b>occurred</b> 637:19	581:13 582:10	611:25 662:3
713:1,24 714:14	638:1 686:6	584:11,16 587:15	<b>onwards</b> 510:12
715:20 716:6,7	<b>occurrence</b> 660:19	588:15,24 589:3	<b>open</b> 524:18
717:1,16 718:1	<b>october</b> 503:11	594:3,15 598:9	529:12,14 530:2
<b>objection</b> 517:16	541:12 542:13	600:11 601:9	552:10,22
520:7 567:23	543:9 696:15	602:10 603:21	<b>operate</b> 511:18
581:6 583:18	<b>odd</b> 670:20	604:13 605:20,25	512:18 559:23
584:1 585:4,9	<b>oem</b> 525:16,20	606:24 607:23	560:8
586:19 588:9	566:18	608:16,23 611:9	<b>operating</b> 671:13
589:20 591:18	<b>oems</b> 568:8	616:2 620:9,15	671:19
592:1 594:21	<b>off.login</b> 574:8	624:12 627:7	<b>operation</b> 548:15
614:4,22 616:23	617:9	628:9 629:16	<b>operations</b> 503:16
618:5 623:15,25	<b>offer</b> 529:15	630:13,25 631:5	543:21 545:11
629:4,25 630:9	671:21	631:10,18 634:9	548:17
638:22 664:14	<b>offered</b> 541:17	635:9 637:8,10,21	<b>operative</b> 683:24
675:18,25 676:6	<b>offhand</b> 513:7	640:9 644:25	<b>opine</b> 613:13,17
679:10 680:14	<b>office</b> 569:22	645:20 646:6	666:25
699:11,19 711:19	722:11	648:2,13,18	<b>opportunities</b>
<b>objections</b> 634:3	<b>official</b> 515:21	649:21 651:23	524:22
647:24 648:6	516:7,11,25	653:5 659:2 661:3	<b>opportunity</b>
650:12,24 653:18	<b>officially</b> 548:25	662:18 663:18	508:20,22 661:19
656:22 657:7	<b>oh</b> 579:14 636:10	670:2,16 672:2,16	662:8
666:19 668:12	658:2	672:17,23 673:23	<b>opposed</b> 522:20
689:21 690:17	<b>okay</b> 506:5 507:6	674:22 677:7	594:14
705:21 709:1	511:16 513:19	678:4 682:16	<b>ops</b> 542:17 550:20
710:20 711:14,24	514:6,12 515:1,8	684:21 686:16	<b>options</b> 629:2
712:4 716:16	515:17 516:12	691:22,24 692:21	<b>order</b> 563:17,18
<b>obligation</b> 599:5,9	521:3 525:19	694:16 698:3	582:24 617:11
<b>obligations</b> 624:17	526:5 528:3	699:16,25 700:13	648:16 716:4
<b>obtain</b> 540:18	534:14 535:23	701:17 702:6	<b>oregon</b> 496:22
599:8 665:14	536:15,18 540:11	704:14 706:15	<b>organization</b>
666:5 713:15,20	541:8 542:7 545:7	707:7 709:22	521:12 642:12



HIGHLY CONFIDENTIAL

**[organizations - partners]**

<b>organizations</b> 519:11 520:10 693:18 <b>original</b> 525:18 721:14 722:10,21 <b>originally</b> 607:21 <b>os</b> 566:18 <b>os's</b> 568:8 <b>outcome</b> 548:11 <b>outlines</b> 604:3 <b>outputs</b> 699:15 <b>outreach</b> 565:3,11 <b>outset</b> 629:13 <b>outside</b> 527:1 568:3 592:2 600:9 600:22 607:9 611:22 612:15 613:19 614:4,10 621:20 622:25 623:15,25 624:22 625:20 626:23 627:18 629:5,22 630:18 631:23 632:7 638:13 639:10,12 640:16 642:24 644:5,20 646:1,19 647:11 648:24 649:17 652:12,22 653:12 654:16 655:5,21 656:13 658:20 664:2,16 666:8 667:4,12,25 673:9 673:18 674:5,25 675:18 676:2 677:11 681:1 688:24 689:10 692:11 694:19 695:6 696:24 699:11 700:7,24 702:15 703:17	704:3,20 705:7 706:8 709:18 710:1,11 711:4 712:25 715:21 717:17 718:2 <b>outsourced</b> 671:10 <b>overall</b> 529:2 538:7 539:12 549:13 550:10 <b>overlapping</b> 534:9 <b>ownership</b> 558:13 <b>owning</b> 663:15 <b>p</b> <b>p.m.</b> 497:18 506:2 506:6 526:6,9 536:19,22 569:17 569:20 634:9,12 672:18,21 714:21 718:22,25 719:22 719:23 <b>p1</b> 611:15 <b>page</b> 501:16 503:3 503:9 504:2 505:2 505:12 541:19 545:9 546:15 570:2 579:15 632:22 646:10 651:10,11,12 658:14 670:3,17 670:21 671:1,1 672:24 673:3 676:13,14 678:4,6 678:8 684:10,25 684:25 686:22,24 686:25 688:11 690:24,25 691:19 691:20 692:3 694:6 695:24 700:10 709:6 712:13 722:15 723:4 724:4,7,10	724:13,16,19 <b>pages</b> 496:25 512:5,25 514:9 637:5 668:15,17 673:3 677:1 684:9 686:24 695:16 699:3,7 702:13,19 705:5 722:14,17 722:17 723:3,6,6 <b>pair</b> 619:17 625:12 626:9,21 <b>pairs</b> 619:7,13 620:4 623:19 624:7,16,21 627:14 629:14,19 630:7 632:24,25 633:9,10,21 <b>palo</b> 501:17 <b>pandora</b> 708:12 <b>paper</b> 593:20,25 <b>paragraph</b> 671:4 678:11 685:1,2 686:23 <b>part</b> 538:23 539:12 553:15,23 566:6 576:5 579:23 610:8 643:1 693:22 <b>particular</b> 550:14 555:2,13 556:21 596:7 637:5 639:8 653:9 679:8 <b>particularly</b> 523:18 <b>parties</b> 498:2 499:2 500:2 501:2 502:2 526:15 546:17 591:12 638:8,11 671:10 682:19 684:12,15 719:2	<b>partner</b> 515:11,18 515:19 517:5,6,12 517:15 518:1,10 519:2,7,10,14,20 520:2,9,12,14,18 520:22 521:4,11 522:2 525:6,8,13 529:6 530:15,17 536:14 538:14,22 539:2,4,11,14 540:13 542:25 543:10,12 564:9 564:18,19 567:17 567:20,25 582:3 632:14 671:3 673:17,24 674:2 675:9,9,10,15,21 676:19 678:16,17 679:2 692:2,10 705:12,15,24 712:23 <b>partner's</b> 528:13 531:11 532:4 536:3,4 <b>partnered</b> 521:12 <b>partnering</b> 521:13 530:22 <b>partners</b> 505:7 516:24 517:1,2 518:6,6,16,23 519:16,16,24 520:5 521:1,1,19 521:19 522:7 523:12 524:23 525:13,14 526:12 526:17 527:9,17 527:21 528:4,10 528:12,15 532:17 532:19,22 533:4,6 533:10 536:25 537:1,7 544:23
---	---	---	---

HIGHLY CONFIDENTIAL

**[partners - pertained]**

546:8 565:9	544:12 545:11	698:18 708:3,4,8	611:8 685:6
566:21,22,25	548:17 550:6,20	710:8 713:16,22	687:14 688:22,23
567:9,14 568:4,6	551:6 558:6 559:1	716:10,14 718:11	689:8 702:22
569:9 574:18	559:20,21 562:24	<b>people's</b> 663:16	703:22,23 704:11
575:9,19 583:4	563:8 564:13,15	707:22 710:10	714:8,11 716:3
604:16 605:5	565:8,13,14,15,16	712:16 715:18	<b>perms</b> 590:20,22
606:25 610:1	567:3,11,12 588:2	<b>perceived</b> 612:9	590:23
628:21,23 631:9	588:2,3 604:5	<b>percent</b> 562:8	<b>person</b> 514:5
631:11,12,14,17	612:11 616:19	643:20 670:15	540:12,15 547:9
631:19,19 632:1,5	622:10,11,22	702:5 713:10	547:13 548:23
632:6,20 633:7,11	632:11 671:14	<b>perform</b> 611:5	550:6 551:6
671:8,16,17,20,23	712:15 715:17	<b>period</b> 676:17,18	592:20 593:7
672:25 673:2,8,12	716:2	678:20 679:12,14	600:17 612:3,11
673:20 674:1,15	<b>parts</b> 669:18	684:12,14 714:5	650:5 651:4
674:17,23 675:21	<b>party</b> 506:15	722:18 723:7	668:23 682:7,11
675:24 676:11,16	531:2 670:6 691:6	<b>periods</b> 532:24	<b>personal</b> 517:8,17
677:3,5,10,14,18	691:8 693:5	566:10	517:25 523:20
678:14 692:3,14	695:17,20 700:1,4	<b>perjury</b> 507:20	527:11 528:22
692:22,22 693:6	700:13,16 721:19	720:2 722:17	540:6 545:3
694:18,24 695:4	<b>passage</b> 712:19	723:6	547:16 553:9
695:10,16 707:13	<b>passing</b> 591:23	<b>permission</b> 574:6	554:17 562:12
708:8,16 709:7,15	<b>passwords</b> 617:10	592:17,21 593:4,8	563:12 573:19
709:24 710:16,18	<b>patience</b> 627:9	600:14,17 601:24	576:22 578:17
711:12 713:8,19	<b>pause</b> 546:2	602:4 610:22	585:12 591:7
713:21,23 716:9	<b>pausing</b> 701:25	685:5 712:16,24	592:5 601:4,5,17
<b>partnership</b> 515:3	<b>payments</b> 552:10	713:6 715:18	601:19 615:14
517:3 522:21	553:1,2	716:3,5,12,20	622:4 627:22
524:21 525:5,6	<b>pdf</b> 603:8,13	717:24	633:18 638:16
526:23 527:9	722:12 723:1	<b>permissions</b>	639:14 642:10
531:9 540:21	<b>penalty</b> 507:20	510:25 511:7	643:2 653:2 655:9
542:17 544:15	720:2 722:16	532:14,18 533:3	675:6
548:15 588:6	723:5	536:5 537:9	<b>personalization</b>
<b>partnerships</b>	<b>people</b> 513:17	540:10 545:4	604:18 605:17
503:15 504:10	523:1,8 538:5,6	552:1,18 553:10	<b>personally</b> 614:19
515:5,14,16 516:1	540:21 574:12	554:9 555:14	614:20 615:23,24
516:17,17 519:12	588:10,23 601:2,6	557:15 559:16,24	625:11
519:22 521:18,22	602:16 605:4	560:20 574:1,21	<b>perspective</b> 622:4
525:11,22 527:15	607:14 612:10	575:14 577:2,12	655:10 664:5
527:24 531:4,8	613:22 638:9	582:19 590:24	675:7 694:17
540:20 543:1,11	642:1 663:23	601:24 602:1,3	<b>pertained</b> 522:19
543:14,16,21	671:21 682:12	607:16 610:20	

## [pertains - preapproving]

<b>pertains</b> 577:1 721:13	<b>plans</b> 622:22 624:14	<b>please</b> 506:14,15 507:17 547:1	528:1 547:18
<b>pg</b> 645:21	<b>platform</b> 503:17	587:23 590:25	562:7 563:20
<b>phase</b> 611:12	509:17 511:2	604:1 606:6 637:3	578:10 585:14
<b>phrase</b> 528:20	515:5,14 516:17	663:1,1 672:12	605:18 631:25
552:4 567:20,21	517:12 518:3,14	687:22 705:17	651:6 670:13
567:25 591:22	519:4 521:15,25	<b>pluck</b> 598:13	678:1 699:1 705:2
666:11,13 668:6	527:18,21 528:10	<b>plug</b> 552:11 553:5	706:12
675:8 702:18	528:14,15,21	553:6	<b>post</b> 523:2 571:20
<b>phrases</b> 567:7	531:13,14,17,19	<b>pmd</b> 561:19	603:9 682:16
<b>phuntso</b> 501:14	532:3,6,12 533:2	565:18	683:6,10,12
506:22	536:6 542:17	<b>pmds</b> 566:18,24	706:22 707:11
<b>physically</b> 564:22	543:1,10,14,16,22	<b>point</b> 515:3,17	710:14 711:12
698:6	544:2,12,25 548:8	535:22 546:21	712:1,10 715:24
<b>pick</b> 686:24	548:9 549:5	551:6 582:17,21	715:24 718:4,8
688:10	551:10,14,17,17	583:15 607:15	<b>posted</b> 652:5
<b>picture</b> 615:22	551:20,21,24	609:1 610:19	<b>posts</b> 699:10
<b>piece</b> 593:20,25	552:2,5 553:15,18	628:15 644:22	707:10 709:24
<b>pii</b> 611:14,20,25	553:23,24 554:1	669:6 680:18	<b>potential</b> 524:22
614:2,6,16,18	555:5,17 557:2	685:6 701:24	525:13,13 551:2
615:1,1,4,8,15,18	558:4 559:7	<b>points</b> 545:14	556:14 570:16
615:21 619:7,14	565:14 567:5,12	548:2 625:16	617:1 630:14
654:10,24 655:3	574:17,18 575:8,9	691:9	<b>potentially</b> 520:10
655:10,13,14	582:12,20 588:4,6	<b>policies</b> 528:21	605:9 616:15
<b>ping</b> 641:25	592:7 600:25	600:9,25 601:1,21	685:9 699:23
<b>pinging</b> 644:18	602:1 606:13	606:13 637:25	<b>power</b> 715:5
<b>pissed</b> 591:1,4,14	612:11,24 632:10	639:4	<b>powered</b> 590:2
<b>place</b> 565:21 585:2	637:14,22 640:3	<b>policy</b> 509:18	<b>powerpoint</b> 504:8
585:2,19,20	640:25 644:2	597:16 599:16,21	544:7,9,17 616:4,9
621:10,12 647:21	658:3 671:12	600:12 613:12,16	629:12
680:6 681:12	674:13 682:3	680:24 681:3	<b>pptx</b> 602:21
684:4 707:1 721:6	690:10 692:23	<b>popular</b> 708:11	<b>practice</b> 516:13
<b>placed</b> 601:3	693:2,4,7,9,12,14	<b>populate</b> 696:23	586:16
613:13 615:16	693:18,20,23,25	<b>populated</b> 697:3	<b>practices</b> 621:15
<b>plaintiff's</b> 668:12	694:5,8,10,15	<b>portions</b> 719:16	622:7
<b>plaintiffs</b> 497:16	697:21 701:11	<b>position</b> 587:14	<b>pre</b> 572:25,25
498:4 499:4	<b>platforms</b> 502:17	598:6 667:10,21	<b>preapproval</b>
506:24 676:17,20	575:25 643:6	<b>positive</b> 548:3,13	572:23,25
704:15	707:16 708:6	<b>possibility</b> 525:7	<b>preapprove</b>
<b>plan</b> 583:25 584:3	<b>playbook</b> 611:15	<b>possible</b> 514:14	568:14,21 572:18
		518:11 527:22	<b>preapproving</b>
			558:1

HIGHLY CONFIDENTIAL

[precise - proper]

<b>precise</b> 610:7 689:4 698:23 <b>precisely</b> 565:25 619:19 <b>preexisted</b> 536:10 <b>preloading</b> 525:20 <b>preparation</b> 540:24 605:4 616:17 629:9 659:3 <b>prepare</b> 508:20,24 509:5 514:10 544:6,9 616:12 690:12 <b>prepared</b> 542:21 543:20 664:6,12 665:22 666:24 667:17 718:6 <b>preparing</b> 544:17 <b>prescribed</b> 561:23 <b>present</b> 502:15 592:24 641:12 679:14 <b>presentation</b> 504:8 <b>presented</b> 617:15 <b>presume</b> 698:17 <b>pretty</b> 512:9 552:20 620:13 623:8 630:19 711:10 717:10 <b>prevented</b> 621:7 <b>previous</b> 511:14 557:21,22 572:11 618:7 <b>previously</b> 505:11 509:1 511:11 562:4 566:7 574:21 581:5 591:10 616:9 648:8 652:15	656:2 660:2 662:15 669:15 680:13,15 689:25 692:21 <b>primarily</b> 510:11 562:24 623:18 <b>primary</b> 550:17 <b>principles</b> 563:1,3 <b>prior</b> 647:3,7,9 648:3 651:12 679:18 680:1,2 681:9 721:8 <b>privacy</b> 506:10 578:4 <b>private</b> 503:17 504:5,9 539:20 542:17 543:22 544:25 551:14,17 551:21 552:5 554:1 555:5,17 573:22 574:18 575:9,13,15,25 576:24 577:19 582:20 602:19,21 602:22 604:3,16 605:7 606:25 607:7,16 608:20 609:9,25 610:2,11 610:14,16,22 611:6,13,19 612:14 613:5,10 613:18 616:19,21 617:1,8,19,20,22 618:12 619:6,16 619:21 620:7,16 620:22 622:12,14 623:11,18 624:11 624:16,20 625:12 626:21 629:14,17 632:23 633:8,15 655:20 656:10,20	670:5 677:19,21 691:8 692:14 695:19 700:3,15 701:2,2,4,17 702:11 703:21 704:12 <b>privately</b> 554:11 <b>privilege</b> 606:4 <b>probably</b> 525:23 540:21 556:13 594:1 599:7 604:21 621:22 632:11 715:2,14 <b>problem</b> 569:24 604:3,11,13 605:20,25 606:24 619:3 662:21 <b>problems</b> 620:11 <b>procedure</b> 722:19 722:20 <b>procedures</b> 639:5 <b>proceed</b> 564:8 <b>proceedings</b> 721:5 721:8,9,15 <b>process</b> 504:18 524:6 549:15 566:6 570:9,23 571:1,5,9,21,24 572:1,5,23,25 580:12,23 581:10 582:18 624:4 636:20 637:24 638:5,7,12,15,20 640:20 641:15,18 641:20,24 643:1 643:11 646:3 658:5,7,13,24 659:1,5,10,19 685:21 686:7 <b>processes</b> 577:5 621:15	<b>produce</b> 599:6 699:15 <b>produced</b> 669:1 <b>product</b> 516:1,23 526:24 558:3 564:21 591:2,5,16 609:9 620:18,21 642:12 643:6 645:10 646:10 651:4 654:24 656:4 657:4,6 658:15,16,18 659:6 <b>products</b> 530:11 530:12 637:14,22 640:3,25 642:7 643:21 644:2 645:14 646:16 647:22 649:25 650:19 658:3,9 659:4 671:20 707:3,6 <b>professional</b> 497:21 721:2 <b>profile</b> 496:4 497:4 506:10 524:20 615:22 722:4 724:1 <b>program</b> 549:13 550:10 <b>programs</b> 707:16 <b>project</b> 609:11,14 609:15,16,20 610:9 <b>promote</b> 523:22 524:3 <b>promoter</b> 548:6 <b>prompted</b> 621:17 621:22 639:8 <b>proper</b> 570:17 573:12 579:18
--	---	---	---

## [proper - questions]

580:18,20 <b>properly</b> 578:1,6 595:17 637:25 <b>proportions</b> 644:11 <b>proposal</b> 504:19 577:4 636:20 <b>propose</b> 564:19 <b>proposed</b> 544:3,11 547:19 550:5 551:2 556:14 558:11 559:9 566:3 568:18,20 570:16 572:17,21 580:9 <b>proposing</b> 549:10 <b>protect</b> 545:20 546:3 <b>protocol</b> 534:11 600:8 <b>provide</b> 513:22 519:16,24 520:6 520:15 521:20 522:8,10,21 523:3 524:10 529:6 536:24 537:1 586:17 587:21 614:20 617:16 623:6,14 632:11 648:16 649:13 665:6 668:4 690:14 692:12,15 704:15 707:2 710:17 719:5 <b>provided</b> 521:23 523:5 532:19 533:5,10 536:13 572:6 600:7 658:15 660:24 661:16,21,21 662:15 678:15	680:2 687:24 692:19 695:15 697:10 703:13 704:7 722:19 723:8 <b>provides</b> 522:2 529:4 626:4 647:20 658:14 671:3 <b>providing</b> 546:7 588:18 661:14 669:21,23 707:5 <b>ps12n</b> 503:12,15 541:13 542:17 543:21 544:1,2 545:11 550:20 558:2,22 560:14 568:14,21 569:2 571:20 572:4,19 <b>public</b> 551:10,17 551:20,24 552:2,9 553:15,18,23,24 555:23 557:14 559:7,16,24 560:8 560:19 571:6 574:17 575:8 577:11,18 582:11 582:17,19,22 589:10,12 590:16 618:8 701:7 707:9 709:23 711:11 <b>publication</b> 712:6 <b>publicly</b> 532:15 537:9 539:20 554:10,24 555:4,7 556:2 701:13,14 707:10 710:8 <b>publish</b> 529:16 <b>published</b> 572:13 <b>publishes</b> 707:10	<b>pull</b> 659:24 <b>pulled</b> 538:20 670:10 688:7 689:3,14 701:4 <b>pulling</b> 697:6 <b>purported</b> 595:15 <b>purpose</b> 598:24 607:17,21 639:5 648:10 650:7 707:7 <b>purposes</b> 553:1 653:25 655:19 <b>pursuant</b> 671:13 <b>pursuing</b> 531:9 <b>put</b> 508:15 592:10 593:20 594:1 598:18 603:7 621:9,12 625:12 653:14 669:24 706:15 708:3 <b>putting</b> 594:23 <b>pwangdra</b> 501:19 <b>q</b> <b>q&amp;a</b> 660:11,14,17 661:5,10 <b>q1</b> 663:7 <b>qualitative</b> 590:11 <b>quantity</b> 590:12 590:14 <b>queried</b> 679:17 <b>query</b> 678:17 679:2 691:9 695:20 698:12,14 698:15,19 700:4 700:16 <b>question</b> 518:9 520:3,19 523:15 525:15 530:21 531:25 532:20 533:1,1,8,12,18,20 533:22 534:17,19	534:20,20,21,23 534:25 535:2,3,7 535:12,15,18,22 537:2,25 538:1,17 539:8,22,23 540:15 574:25 575:1,2 576:9,14 576:16 577:17 578:8 585:22 587:4,23 592:5 593:11 595:4,19 595:24 599:22 600:1 607:11 608:9 612:5,8 613:3,25 615:12 625:23 626:22 628:1 632:21 633:3 634:2 641:11,11,14 643:3 646:5 648:12 656:15 657:15,20 658:10 659:22 664:12 665:11,23 666:1 666:15 675:5 677:23 678:3 682:1 683:1,5 684:22 688:6 689:6,16 704:4 705:13,14,17 716:7 717:10 <b>questionable</b> 624:16,20 625:12 626:9,20 627:3 629:19 630:7 <b>questioning</b> 533:25 535:14,21 662:6 714:22 715:1,3 <b>questions</b> 508:10 514:11 521:17
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HIGHLY CONFIDENTIAL

## [questions - referencing]

534:2,7,10 570:3 583:2 631:2,22 634:5 636:18 644:17,24 662:21 663:2 665:7 668:15 672:13 678:11 690:15 691:3 702:25 707:21 <b>quick</b> 637:8 <b>quickly</b> 541:19,20 618:16,21 <b>quite</b> 553:13 578:19 636:9 715:3 <b>quotation</b> 670:4 <b>quote</b> 553:15	588:19,20 590:25 592:12,15 593:1 593:10 595:8 602:3 603:23 604:14,25 605:20 607:4,5 608:18 609:12,13 610:3,4 611:16 616:12 622:16,17,22 623:4 624:18,19 627:16 629:3 631:1,5 636:22,23 637:13 640:1,9 642:19,20 643:14 645:18,19,23,24 650:16 663:13,18 669:19 671:5,25 672:1 678:10,24 678:25 684:19 685:1 686:23 691:2,13,14,23,25 696:20,21 702:6,7 720:2 <b>reading</b> 529:1,13 605:12 619:5 635:4 656:24 691:19,20 700:9 722:23 723:9 <b>ready</b> 662:3,11,24 672:10 <b>really</b> 528:23 541:19 552:7 592:5 599:23 601:9 703:2 <b>reask</b> 535:12 630:3 <b>reason</b> 590:21 599:17 724:6,9,12 724:15,18,21 <b>reasonable</b> 529:15 591:15,25 592:6	595:7 647:1 <b>reasonably</b> 553:22 <b>reasons</b> 607:18 618:8 638:17,19 638:21,25 639:20 690:4 706:5 708:2 <b>rebecca</b> 496:21 497:20 592:16 721:1,24 <b>recall</b> 511:12 515:13 527:12,23 538:19,22 539:10 540:5,6 544:8,18 544:19,20 547:14 561:14,22,25 562:3,13 563:3 565:6 566:7 570:25 571:5 656:8,18 661:10 669:4,5,22 709:9 <b>receive</b> 524:7 542:6 671:21 <b>received</b> 522:23 523:12 538:13 662:20 685:13 <b>receives</b> 602:6 <b>receiving</b> 636:16 <b>recess</b> 526:7 536:20 569:18 634:10 672:19 718:23 <b>recipients</b> 542:23 <b>reciprocity</b> 528:4 528:17,20 529:22 530:2 546:12 <b>recollection</b> 512:4 546:15 553:9 562:13 568:25 572:15 577:4 585:12,17 589:5 624:5	<b>recommendation</b> 611:10 <b>recommendations</b> 563:24 708:10 <b>record</b> 506:6 516:13 526:4,6,9 535:15 536:16,17 536:19,22 543:25 558:17 568:18 569:17,20 582:6 596:19,21 598:10 634:1,6,12,25 650:17 661:13 662:12 668:10 670:23 672:15,17 672:21,22 684:23 706:5,14 715:9 718:20,21,24 719:2,11,19,20,22 721:9,12 <b>records</b> 682:5 683:22 706:13 <b>reduce</b> 624:6 <b>reducing</b> 504:9 616:18 <b>refer</b> 515:14 556:13 557:19,20 570:13 571:17 572:16 588:1 598:22 601:25 626:3,5 629:20 633:9 664:24 671:15 675:10 <b>reference</b> 551:10 551:13 596:6 628:5 670:1 <b>referenced</b> 691:1 722:6 <b>references</b> 531:19 <b>referencing</b> 527:7 669:7
<b>r</b>			
<b>r</b> 724:3,3 <b>r&amp;s</b> 723:1,9 <b>raft</b> 537:10 <b>raise</b> 507:16 <b>range</b> 537:16 538:10 552:25 553:13 574:4,20 575:24 576:4,23 577:5,8 615:20 648:1 <b>ranges</b> 678:21 <b>ranked</b> 652:6 <b>rating</b> 619:11 <b>reaction</b> 591:15,25 <b>read</b> 513:2 545:14 546:15,25 552:23 558:19 569:5 570:7 571:18 572:7 573:8 575:1 575:5 579:17 582:25 583:6,7,13 583:14 584:14,15 584:16 587:1,2,3			

HIGHLY CONFIDENTIAL

[referred - responsible]

<b>referred</b> 515:15 516:16 517:7 520:25 566:17 568:7 576:3 632:23 635:20 646:9 651:12 663:24 665:4 666:17 669:2 674:15 686:22 690:1 711:1 <b>referring</b> 532:23 545:3 552:4 553:9 553:10,11 556:12 559:8 576:23 585:15 605:15 606:10 609:16,18 609:20 619:23 620:4,6 628:16 630:22 631:13,16 632:3 633:13,19 633:20 647:9 649:24 656:1 664:5 666:12 668:23 679:12 684:24 688:8 701:1 711:8 <b>refers</b> 528:17,23 531:20 533:1,2,3 544:2 546:12 552:20 553:1,3,5,7 572:14,14 587:24 619:20 629:13,15 629:18 630:6 647:7 651:21,25 693:4 <b>reflect</b> 557:6 <b>reflected</b> 631:20 632:25 633:5,10 673:2 <b>reflecting</b> 553:14 591:9	<b>reflective</b> 644:10 <b>reflects</b> 535:5 <b>refresh</b> 512:3 <b>regain</b> 663:16 <b>regan</b> 501:6 506:22 <b>regard</b> 508:14 526:22 540:12 555:12 557:5 576:9 628:11 678:13 <b>registered</b> 497:21 721:1 <b>regular</b> 545:5 551:24 554:25 555:8 577:20 660:19 <b>regularly</b> 660:15 <b>relate</b> 534:2 548:15 618:3 654:15 664:19 <b>related</b> 509:19,22 653:15,16,20 676:18 <b>relates</b> 496:6 497:6 593:2 634:5 <b>relating</b> 555:14 667:11 <b>relationship</b> 528:4 <b>relationships</b> 524:23 525:8 567:2 <b>relative</b> 721:18 <b>relatively</b> 513:3 519:20 563:6 567:7 591:20 <b>released</b> 722:21 <b>relevant</b> 676:16 678:20 <b>rely</b> 520:20	<b>relying</b> 589:5 604:17 <b>remain</b> 574:14 <b>remember</b> 516:8 562:6 573:20 <b>remembering</b> 551:22 554:17 591:7 <b>remind</b> 691:18 <b>remotely</b> 496:14 497:18 721:6 <b>removal</b> 513:4 <b>remove</b> 608:24 609:4 <b>removed</b> 511:1 513:14 574:16 575:7 610:20 625:8 714:8 <b>removing</b> 685:19 <b>render</b> 553:4 <b>repeat</b> 592:22 <b>repeatedly</b> 683:21 <b>reported</b> 496:14 496:20 497:18 <b>reporter</b> 497:20 497:21,22 506:13 507:14,16,19 541:6 543:5 581:19 602:13 616:6 634:14 635:24 706:18 713:18 721:2,3,3 <b>represent</b> 545:8 548:22 580:10 678:7 <b>representation</b> 549:2 <b>representative</b> 496:13 535:19 551:4 557:4 560:3 596:6 598:7	626:25 <b>represented</b> 540:24 582:8 <b>representing</b> 587:13 594:5 596:13,23 <b>represents</b> 551:1 556:17 557:9,23 568:24 580:8 581:25 <b>requested</b> 685:4 721:16 723:1,9,10 <b>require</b> 520:20 632:1 <b>required</b> 566:11 600:7 671:11 <b>requirement</b> 595:23 597:8 <b>requirements</b> 571:21 <b>requires</b> 531:4 <b>resolve</b> 507:12 <b>resources</b> 531:6 <b>respect</b> 598:12 662:20 <b>respective</b> 645:21 <b>response</b> 585:22 587:4 670:20,22 670:25 671:2,5 673:1 674:3 678:9 678:9 685:2 691:1 699:5 <b>responses</b> 668:8 668:11,21 669:3 669:14,21,23 670:13,18 671:7 672:24 676:20 684:8 703:20 709:21 711:2 <b>responsible</b> 642:12 647:23
---	---	---	---

HIGHLY CONFIDENTIAL

[responsible - rough]

648:17 651:5 662:15 <b>rest</b> 510:15,18,20 558:14 <b>result</b> 626:20 658:8,25 659:6,9 659:19 <b>resulted</b> 544:4 <b>resulting</b> 659:16 <b>results</b> 529:22 589:13 659:16 <b>resumed</b> 508:4 <b>retain</b> 545:25 547:2,5 569:8 610:1 642:16,22 645:4 648:5,17 656:10,20 657:3 658:18 659:5 681:6 <b>retained</b> 637:16 637:21 640:7 643:13 644:11 680:22 <b>retaining</b> 645:15 646:17 650:1,20 <b>retention</b> 582:9 680:8,19,24 681:3 704:24 <b>retroactively</b> 637:23 <b>return</b> 546:8 589:11 722:17 723:6 <b>returned</b> 678:19 679:3 <b>rev</b> 504:16 634:20 <b>reveal</b> 606:3 <b>revealing</b> 606:5 <b>revenue</b> 523:11 538:13,20,22 539:2,11,13 540:7	540:16,25 652:20 653:3,4,6,8,25 654:2,6 <b>revert</b> 626:2 <b>review</b> 504:5 508:20,22 509:3 563:23 591:20 602:19,21,22 604:3 607:2 608:7 608:19 611:1,6,13 616:9 620:17 622:13 623:2 627:14 628:6,20 628:23 630:16 631:8,19 632:2 636:7 637:4 643:7 648:20 660:21 662:8 669:6 719:4 721:15 722:8,10 722:13 723:2 <b>reviewed</b> 564:3,6 572:13 603:19 616:16 636:4 638:9 661:4 669:14 690:8 710:23 <b>reviewing</b> 557:22 562:6 603:18 623:18 641:13 668:16 718:4 719:6,15 <b>reviews</b> 611:15 <b>revocation</b> 676:21 <b>revoked</b> 676:22 696:12 <b>right</b> 507:17 513:24 514:24 515:4 520:24 521:21 524:1 530:17 531:13 532:12,19 536:6	538:16 541:17 542:14,18,19 548:16 549:1,8,12 549:15,19 550:8 551:9,14,18 553:19 554:12 555:3,5,16 556:4 560:2 561:21 564:24 565:5 568:15 569:2,8 572:4,19 574:18 575:20 576:14 577:9 578:2,25 581:24 582:13,20 583:17,19,22,25 584:3 585:2,24 586:3,14,25 587:10,17,25 588:8,14 596:9 597:15 608:25 609:5 611:3 615:10 616:10,19 618:17 620:12 624:8,18,19 627:15 628:3 629:14,19 630:8 630:16 631:9,12 635:1 642:4 644:4 645:7,11 646:18 647:23 649:1,1,2,6 649:14 650:10 651:15,18,19 656:11,21 657:6 657:23 658:19 661:2,7 677:23 680:17 682:19 683:8 685:18 686:2,13,18 688:23 690:16 692:23 697:17 700:6,23 704:2,19	707:13 708:13 710:10,19 711:3 712:24 713:9,17 713:23 714:13 716:5,15,25 717:9 717:15 719:1 <b>rigorous</b> 580:22 581:4 <b>rigorously</b> 655:11 <b>ring</b> 500:7 <b>risk</b> 504:9 573:9 573:15,16 616:18 617:18 622:15 639:23 640:3,11 640:13 641:1,8 643:8 644:4 645:17 646:18 650:3,9,22 654:7 654:15 656:11,21 657:3 <b>risks</b> 576:18 616:21 617:1,8,14 617:20 618:3 <b>risky</b> 655:3,13 <b>road</b> 501:16 <b>rob</b> 634:18,23 635:8 <b>rog</b> 687:22 709:21 <b>rohrback</b> 498:5 506:17,18 507:2 <b>role</b> 669:20,23 <b>roll</b> 642:6 <b>rolled</b> 645:11 <b>romano</b> 496:21 497:20 721:1,24 <b>rooney</b> 660:3 <b>rosemarie</b> 500:7 <b>ross</b> 500:18 <b>rotten</b> 604:20 <b>rough</b> 621:5
---	--	---	---



HIGHLY CONFIDENTIAL

[row - scope]

<b>row</b> 628:15 654:10	670:20 678:8	618:5,15,25	710:20 711:4,14
<b>rpr</b> 496:21 721:24	679:1 688:15,18	621:19 622:25	711:19,22 712:4
<b>rring</b> 500:14	696:14	623:15,25 624:22	712:25 713:24
<b>rule</b> 595:14,19	<b>scan</b> 637:1,9	625:20 626:22	714:14,19 715:20
<b>rules</b> 723:8	<b>schedule</b> 722:10	627:18 629:4,21	716:6,16 717:1,16
<b>rumble</b> 586:24	<b>schema</b> 698:24	630:9,17 631:22	718:1 719:1,17
587:8	<b>schwing</b> 500:6	632:7 634:2,24	<b>schwing's</b> 599:12
<b>ryan</b> 563:25	506:19,19 512:7	638:13,22 639:10	<b>scientist</b> 510:4
<b>résumé</b> 515:24,25	512:19 513:10,25	639:12 640:15	<b>scope</b> 523:13
<b>s</b>	514:15,22 516:4	641:9 642:24	527:1,6 528:6,9
<b>s</b> 503:8 504:1	517:16,19 518:25	644:5,20 646:1,19	591:18 592:2
505:1 724:3	519:17,25 520:7	647:10,24 648:6	600:9,22 601:15
<b>sample</b> 657:10	521:8 522:4,24	648:21,23 649:16	607:9 611:22
<b>samra</b> 499:9	523:13 524:12,25	650:12,24 652:12	612:15 613:6,19
506:25	527:1 528:6,18	652:22 653:11,18	614:4,10 621:19
<b>san</b> 500:11	529:8,24 530:18	654:16 655:5,21	621:20 622:25
<b>satisfaction</b> 548:9	532:20 533:12,23	656:12,22 657:7	623:16 624:1,22
<b>satisfies</b> 599:11	534:6 535:14,21	657:16 658:20	625:20 626:23
634:7	535:24 536:7	659:7 660:23	627:18 629:5,22
<b>satisfy</b> 599:19	537:2 538:17	661:12,23,25	630:18 631:23
<b>saw</b> 629:8 699:2	539:7,23 541:18	662:18 664:1,14	632:7 634:3
<b>saying</b> 522:1 597:9	542:4,7 547:7	664:16 665:8,17	638:13 639:10,13
597:20 615:2	549:6,25 554:13	665:24 666:8,19	640:16 642:24
618:17 670:23	555:18 556:10	667:4,12,24	644:6,20 646:1,19
<b>says</b> 542:16	557:7 562:20	668:18 672:3,16	647:11 648:24
548:17 552:9	567:23 574:19	673:9,18 674:4,25	649:17 652:12,22
553:25 554:2	575:4,10,21	675:17,25 676:2	653:12 654:17
570:8,9 571:18,20	576:11 577:24	677:11 679:10	655:5,21 656:13
572:20 573:9	581:6 583:18	680:14 681:1,10	658:21 664:2,16
583:1 585:25	584:1 585:4,6	682:9,21,24 684:2	666:9 667:4,13,24
586:13,15 587:18	586:19 588:9	688:2,24 689:10	667:25 673:9,18
597:19 605:22	589:20 591:18	689:21 690:6,17	674:5,25 675:19
608:17 609:3	592:1 593:9,15	691:18,21 692:11	676:3 677:11
622:10 624:15	594:3,12,20	692:24 694:19	681:1 688:2,24
630:11 636:20	595:11 596:12,18	695:6 696:24	689:11 690:6
637:21 639:22	598:5,9 599:13	699:11,19 700:7	692:11 694:19
642:6 645:13	600:5,22 601:15	700:24 701:19	695:6 696:25
646:10 649:23	606:2 607:8 608:1	702:14 703:17	699:12 700:7,24
651:14 653:5	611:21 612:5,15	704:3,20 705:7,21	702:15 703:18
654:7,10 658:3	613:6,19 614:3,9	706:8 708:18	704:3,20 705:7
660:7 663:7	614:22 616:23	709:1,18 710:1,11	706:9 708:18

HIGHLY CONFIDENTIAL

[scope - short]

709:18 710:1,12 711:4 712:25 715:21 716:7 717:17 718:2 <b>score</b> 548:6 <b>scored</b> 652:6 <b>screen</b> 594:16 <b>scroll</b> 558:14 <b>scrolling</b> 600:5 <b>sean</b> 563:25 <b>search</b> 589:12 604:19 605:17 693:19 709:12 <b>searched</b> 589:10 <b>seattle</b> 498:12 <b>second</b> 514:24 534:15,15 541:10 545:9 546:2 573:11 579:16 580:5 585:7 609:3 626:11 627:16 628:21 629:24 631:2,8 632:22 640:10 649:8,22 649:23 650:17,18 663:13,14 668:11 672:15 676:6 685:1 690:25 691:5 708:8 712:20 <b>secure</b> 607:2,24 608:7,12 <b>see</b> 523:8 533:14 539:6 541:14 542:2,10,12 543:23,24 545:12 550:19,21 551:9 551:11,15 552:13 552:14 554:3,4 556:21 557:18 558:8 560:23,25	561:2,4,7,11,12,17 561:19,20 562:9 564:1,2 565:22 566:8,13,16,19,20 568:10,12 569:3 570:4,6 571:12,14 571:15 573:5 576:16 581:15,21 587:6,16,18 589:1 593:18 600:13,19 600:20 602:15,23 602:24 604:8,9,10 609:6 611:11 616:20 619:3,4 620:18,19 621:1,2 623:2 627:12 628:3,7,8,12,14,14 628:24,25 634:17 637:17 639:24,25 643:17,18,23,24 643:25 645:6,7,12 646:12,13 647:25 648:14 649:7,9,11 649:23 651:16,19 654:8,9,12 655:15 655:17 660:5,6,11 660:13 661:8 663:5,6,11,12 676:13,24,25 677:1,4 678:6 679:5,6 684:10,17 685:15,16 687:3,4 687:6,7,9,10,12,13 687:15,16 688:13 688:14,16,17,19 688:20 692:4,5,7,8 695:24 696:2,3,5,7 696:8,10,11,13,16 696:17 699:17 700:20,21 707:14 707:15,17,18,24	707:25 708:14 709:14,16,20 711:25 712:18,21 <b>seeing</b> 538:19 539:10 708:9 <b>seen</b> 507:11 523:3 524:17 568:7 640:20 655:1 669:16 <b>segment</b> 561:17 <b>segments</b> 566:17 <b>send</b> 599:17 663:8 <b>sending</b> 582:5 <b>sense</b> 587:12 588:13 607:22 715:2 <b>sensitive</b> 573:10 573:15 574:16 575:7,19,23 576:19,21 577:15 577:23 578:3,13 578:19,21,22,25 579:3,4,7,9,10 611:13,19 612:1 612:14 613:5,9,11 613:14,18 <b>sent</b> 508:18 514:14 541:23 582:7 636:8 637:23 666:18 <b>sentence</b> 594:16 595:9 596:5,10 <b>separate</b> 551:19 551:20,21 <b>separately</b> 526:3 <b>series</b> 511:23 531:22 532:11 561:5 662:16 703:7 709:10 <b>serious</b> 663:14	<b>seriously</b> 578:5 <b>service</b> 625:3 663:23 673:5 712:23 <b>services</b> 588:18 673:6 692:15 693:4 <b>session</b> 672:5 714:22 <b>set</b> 529:12 544:3 544:10 545:4 550:17 551:2 552:1,3,24 554:19 556:13,24 562:18 563:3,5 570:9,22 571:10 572:5 573:1 575:25 577:19 580:9,12 585:16 610:25 624:11 625:15 638:17 668:12 681:14,19 721:6 <b>setting</b> 570:25 <b>settled</b> 535:11 <b>settlement</b> 712:17 <b>share</b> 524:15 530:3 542:3 594:16 622:3 <b>shared</b> 591:11 709:24 711:12 <b>sharing</b> 509:20,21 528:24,24 534:3 553:1 593:2,22 600:2 713:8 <b>shed</b> 682:14 694:22 <b>shipping</b> 621:7 <b>shirley</b> 634:18 635:10,11 <b>short</b> 548:3,11 598:21 604:7
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HIGHLY CONFIDENTIAL

**[shorthand - specific]**

<b>shorthand</b> 497:20 721:2,10 <b>show</b> 595:23 616:16 703:4 <b>showing</b> 660:1 706:20 <b>shown</b> 572:16 <b>shows</b> 548:14 <b>shut</b> 569:21 <b>si</b> 722:2 <b>side</b> 645:8 <b>sides</b> 531:5 <b>sign</b> 609:25 645:22 722:16 723:5 <b>signature</b> 721:24 722:21,23,23 723:9 <b>signed</b> 669:14 <b>signify</b> 676:22 <b>simon</b> 496:13 497:15 503:3 506:8 508:1 557:19 720:1,11 722:1,5 724:2 <b>simple</b> 703:2 717:10 <b>simplification</b> 544:2 <b>simply</b> 598:7 683:23 708:3 <b>single</b> 540:2 706:14 <b>sir</b> 634:8 713:14 <b>situation</b> 639:19 <b>six</b> 628:5 685:12 686:1,9,12,15,17 687:23 688:1,22 689:20,25 690:5 690:16 <b>sizing</b> 649:2 651:13	<b>skeletal</b> 548:23 <b>skeleton</b> 556:15 558:17 566:2 572:12 <b>skipping</b> 548:1 <b>slide</b> 543:3,20 545:7,9,10,16 546:13 548:14,17 548:23 550:18,19 551:1 553:17,19 553:21 555:20 556:3 557:17,18 557:22 558:9,21 562:3,6 566:1,3,14 568:11,12,17,20 569:3,7 570:2,4,6 570:17 571:11,12 572:8,11,12,20 573:6,7 576:6 577:3 580:8 616:18 619:2,8,11 620:15 622:21 623:2,5,8 624:14 627:8,12,17 628:14 630:12,14 630:21,21 631:1,4 634:20 636:19 637:7,7,7,11,13 639:21 642:3,4,5 642:14,18 643:14 644:8 645:1,3,16 646:7,8,9 647:2,3 647:3,3,5,7,7,8,9 647:25 648:3,15 648:19,20 649:3,7 649:9,11,19,22 650:2,20 651:16 651:19 653:14 655:24 658:4 <b>slides</b> 653:1	<b>slowly</b> 592:15 <b>small</b> 563:6 708:20 <b>smaller</b> 631:18 <b>smith</b> 501:6,12 506:22 <b>snippeted</b> 596:14 <b>snippets</b> 594:22 <b>social</b> 550:25 553:6 652:1,3 673:5 699:8 701:12,14,21 708:9 <b>solemnly</b> 507:19 <b>solutions</b> 722:7 <b>somebody</b> 539:16 605:2 619:11 665:10 698:15 718:10 <b>somebody's</b> 615:21 <b>somewhat</b> 575:23 578:21 <b>soon</b> 514:14 <b>sooner</b> 514:18 <b>sorry</b> 510:20 515:23 517:18 521:7 523:14 529:23 531:14,16 533:14 539:7,18 539:19 541:18 546:9 552:17 554:14 560:25,25 569:25 582:7 585:6 586:25 587:22,23 592:22 593:16 594:20 609:1 614:3 628:13 629:21,21 630:2 633:2 634:24 639:11	641:10,13 644:7 645:2 648:22 658:10 664:15 672:3 675:17 682:22 683:7 684:21 686:3 692:18 697:11 698:5 700:8 701:25 705:13,16 706:2 709:17,18 711:21,22 713:20 <b>sort</b> 678:2 <b>sought</b> 549:4 <b>sound</b> 516:2 <b>soundcloud</b> 518:20 <b>sounds</b> 584:25 680:1,3 <b>source</b> 606:9 609:23 625:2,23 682:6,7,12 <b>speak</b> 510:6,13 541:2 641:21 682:2 <b>speaking</b> 562:12 584:4 620:1 623:10 <b>special</b> 502:6 507:3,6,7 533:19 533:23 534:4,14 535:9,10,24,25 595:11,18,25 596:3,12,16,20 597:1,4,9,15,17 598:3,10 599:1,3 719:9,18 <b>speciality</b> 712:8 <b>specialized</b> 694:7 <b>specific</b> 512:21 527:5,23 528:8 531:15 532:22
--	--	--	--

HIGHLY CONFIDENTIAL

[specific - suggests]

567:8 578:8 579:22 580:1 599:23 618:3 628:1 653:15 668:15 671:6 679:21 681:15,15 681:19,20,22,23 683:18 701:16 708:5 711:10 <b>specifically</b> 511:12 529:22 576:8,9 599:24 604:5 605:16 606:8 622:23 632:3 633:21 641:3 655:1 666:13 668:5 681:14 697:2 699:21 711:8 <b>specifics</b> 532:9 659:11 681:24 <b>speculate</b> 608:13 615:13 627:23 698:25 <b>speculating</b> 528:1 605:19 608:4 609:22 619:18,24 629:10 631:24 647:18 654:5 659:13 <b>speculation</b> 608:1 612:6 613:7,20 614:9 629:5 630:17 631:23 632:8 647:10 648:23 649:16 653:11 657:16 665:8 682:9 <b>spell</b> 698:1 <b>spend</b> 530:7 668:16	<b>spending</b> 530:12 <b>spoke</b> 541:3,3,4 690:8,9 <b>spoken</b> 540:23 607:14 646:22 654:21 655:24 718:11 <b>spotify</b> 518:17 708:12 <b>stand</b> 652:21 <b>standard</b> 519:13 519:19 553:24 606:13 632:13,19 656:6 705:10,23 <b>standards</b> 639:4 <b>standpoint</b> 601:11 <b>stands</b> 614:17,19 652:19 653:3 <b>start</b> 641:17 644:19 676:13 703:12 <b>started</b> 508:9 597:24 <b>starting</b> 573:14 644:21,22 686:22 <b>starts</b> 671:1 <b>state</b> 507:20 535:3 535:5 594:20 629:25 661:12 676:6 722:9,12 <b>statement</b> 529:10 592:12,14 593:14 596:13,23,24 597:7,7,12,13,14 597:18,20 598:1,8 598:14 599:20 600:4,13,19,20,21 601:13 670:7,9,11 <b>statements</b> 614:15 <b>states</b> 496:1 497:1 611:12 616:18	622:11 643:19 645:20 678:13 687:22 691:5 <b>stay</b> 597:25 <b>stenographic</b> 672:22 684:23 <b>stenographically</b> 496:20 <b>step</b> 642:6,15 <b>steps</b> 620:21 <b>steven</b> 509:14 510:13 511:5,13 668:22 <b>stipulation</b> 722:20 <b>stood</b> 571:5 <b>stop</b> 582:24 618:22 624:13 714:24 715:4 <b>stopping</b> 714:20 <b>storage</b> 680:3 <b>stored</b> 681:5 698:11 <b>stories</b> 523:2,8,10 524:17 528:25 530:2 <b>story</b> 604:22 622:5 <b>strategic</b> 515:3,10 515:15,18,20 516:1,16,23,24 517:1,5,6,14 518:6 518:10,22 519:7 519:10,14,15,20 519:23 520:2,5,14 520:18,22 521:1,4 521:11 546:1 547:3,6 558:22 559:13,13 560:11 560:13,16 569:1,8 572:9,22 575:18 584:21 585:23 586:1,13,15 587:6	587:16,19 588:4 588:23 628:21 631:9,11,14,17 632:6,14,20 655:16,18 656:3 657:5 705:5,11,12 705:15,19,24,24 706:2,2,3 <b>stream</b> 513:2 602:3 <b>streaming</b> 590:16 <b>streams</b> 590:9 <b>streams.key</b> 542:18 <b>street</b> 499:11 500:9 501:8 502:7 <b>strike</b> 673:25 <b>structure</b> 649:15 <b>structured</b> 552:23 <b>stuff</b> 586:25 587:10 675:8 <b>subject</b> 503:12,21 504:5,15 541:12 581:17 601:7 602:19 634:19 660:11 662:14 <b>subjective</b> 575:23 577:15 578:21 580:21 613:9,11 613:15 <b>subscribed</b> 721:21 <b>subset</b> 550:5 554:23 631:11 632:5 661:22 <b>suggest</b> 538:19 550:5 <b>suggested</b> 663:4 <b>suggesting</b> 580:12 <b>suggests</b> 556:23 571:6 644:8
---	--	---	---

HIGHLY CONFIDENTIAL

[suite - template]

<b>suite</b> 498:11 499:12 500:10,19 501:9 552:24 <b>summarize</b> 642:16 642:22 645:5 650:14 <b>summarizing</b> 604:2 <b>summary</b> 503:22 581:17 <b>sun</b> 634:18 635:10 635:11 636:12 <b>super</b> 606:20 718:5 <b>supplied</b> 616:14 <b>supply</b> 617:10 <b>support</b> 558:6 607:2,24 608:7,12 <b>supported</b> 609:10 <b>supposed</b> 534:1 702:9 <b>supposedly</b> 703:4 <b>sure</b> 511:22 512:22,24 520:16 520:17 525:1,2,14 528:20 532:1,2,10 534:12 537:4 540:3 543:17 546:4,6,10,16 556:12 562:8 567:18 568:16 572:24 573:25 580:4 588:11,18 589:21 592:24 593:16 604:15 605:15 608:11 609:2 615:11 617:14,24 618:12 618:20 621:21 626:11 627:5,25 630:5 631:3,13,15	633:13 634:6 635:7,11,14 638:14 639:16 640:22 643:3,11 644:9 649:18 650:13 653:13 656:15 657:24 658:11,12 661:18 662:7 663:3 664:4 664:13,21 672:9 673:10,13 677:24 678:2 683:2 684:20 686:4 688:6 689:13,15 689:22 691:24 692:12 693:15 694:11,22 695:8 697:23 699:13 701:3,25 702:5 709:3 710:6 711:6 712:19 <b>surface</b> 555:23 560:9 575:15 577:11 618:8 <b>surprised</b> 597:6 <b>survey</b> 548:7 <b>swears</b> 506:13 <b>syncing</b> 673:6 <b>system</b> 580:17,25 581:2,5 679:18 682:17 683:23 684:4 698:6 <b>systems</b> 582:9 671:13,19 682:13 <b>t</b> <b>t</b> 500:7 503:8 504:1 505:1 724:3 724:3 <b>tab</b> 541:21 602:11 <b>table</b> 678:15 697:3 698:9,22	<b>tables</b> 697:25,25 698:3,8,12,14,16 698:17,24 <b>taggable</b> 513:1 699:9 <b>take</b> 517:19 529:12 553:2 560:23 563:9 569:14 593:21 594:4 615:14 618:17,19 631:1 636:4,24 654:14 655:9 660:20 661:19 662:1,19 662:23 669:10 672:9,11,12 686:21,25 687:18 <b>taken</b> 497:15 526:7 536:20 540:16 569:18 608:17 609:3 634:10 658:25 672:19 718:23 721:5 <b>takes</b> 578:4 <b>talk</b> 511:9 521:17 532:22 547:14 555:13 596:18 638:16 679:13 <b>talked</b> 511:23 580:8 591:9 618:6 703:15 705:9 708:1 <b>talking</b> 511:16 512:21 528:9,11 529:19 532:24 571:25 575:24 577:4 632:17 714:4 <b>tasked</b> 544:16,20	<b>taxonomy</b> 562:1 <b>team</b> 509:3 515:3 515:5,6,7,11,14,15 515:16,22 516:16 516:17,18 517:3,9 518:19 519:22 521:22 525:11,22 527:15,24 531:8 540:20,21 543:1 543:11,14,16 544:12,15,21,24 550:6 558:4,7 559:20,21 562:24 563:8 564:15,21 565:8,13,14,15,17 567:11,12 588:2,2 588:3,4,6 613:17 632:11 660:4,7,8 660:10,16 666:18 682:3 <b>team's</b> 510:7,11 <b>teams</b> 588:7 613:13 638:10 651:7 <b>tech</b> 707:21 710:9 <b>technical</b> 542:8 590:1 602:7 619:23 <b>technology</b> 601:10 <b>tell</b> 516:10 531:18 587:8 592:13 594:16 632:5 637:3,4 653:24 659:3 666:4 677:8 702:8 709:23 <b>telling</b> 665:13 <b>template</b> 645:16 646:9,11,14 647:2 647:4,7,8,15,17,20 648:9,14 650:2,6,8 650:15,21 651:11
--	--	--	---



HIGHLY CONFIDENTIAL

[template - thought]

654:1 655:16 656:9,19 657:10 658:14,17 <b>ten</b> 543:18 569:15 <b>tense</b> 641:12 <b>term</b> 520:22 521:4 528:23 548:3,3,11 590:6 613:15 619:20,22,23 664:22 666:23 671:9 675:24 683:21 693:1,21 694:1,10,12 <b>termed</b> 674:14 <b>terminated</b> 676:23 <b>terminology</b> 516:20 531:20 665:19 667:16 674:19 <b>terms</b> 521:2 524:5 530:2 531:17 538:18 559:18 590:11 605:23 606:21 618:2 626:3 653:21 654:18 664:7 674:6 <b>test</b> 693:24 709:12 <b>testified</b> 508:3 512:15 521:5 648:8 682:17 703:8 <b>testify</b> 537:21 539:1 615:3,15 672:10 <b>testifying</b> 601:2 721:8 <b>testimony</b> 507:20 508:21,25 511:11 512:4 514:8 516:21 522:4	567:18 599:7 615:3 616:13 618:7 636:6 656:13 659:3 661:15 669:2 682:25,25 692:24 719:3,5,6,16 720:4 721:12 <b>texas</b> 500:20 <b>text</b> 590:19,25 <b>thank</b> 508:7 514:6 515:1 535:8,24 536:1,18 542:9 569:25 599:14 602:9 603:12,16 603:17,20 618:24 618:25 627:10 628:2 630:1 633:25 635:2 637:10 660:22 669:25 670:16 676:7 691:21,23 700:12 719:17 <b>thanks</b> 705:17 <b>theme</b> 604:22 <b>thing</b> 524:4 584:19 615:16 620:15 652:17 669:6 672:8 <b>things</b> 505:6 507:14,15 518:20 522:12 526:16 537:5,10,16,25 538:2,10,14 551:2 551:20 552:6,15 552:21 553:7,14 553:17,22 554:1,8 554:10,22,24 555:2,7,21 574:4 576:2,5 578:5 584:7,17,20	585:14,15,15 586:21 589:11 603:10,23 610:8 610:25 644:8 648:1,2 649:5 651:3 666:24 673:11 694:14 695:1 702:19 707:12 708:4 710:5 <b>think</b> 509:11 510:1,16 511:6 513:1 515:6,19 516:25 518:8 519:8,10,18 520:1 520:21 522:20 525:22 529:9 539:24,25 540:20 545:1,2 546:9,11 546:11 547:10,15 547:23 548:21,24 549:1,8,8,12 550:2 550:8,13,16 551:3 551:18 556:17,22 556:24 557:1,3,22 558:16 560:3,10 562:14,17 563:13 564:5 565:13 567:6 568:16,19 568:24 571:7,23 572:4 575:22 576:4 577:1,13,25 578:2,4,14,16,20 578:24 579:2,9 580:4,7,11,13,19 581:25 582:7 583:19,21 584:2,3 584:9 586:4 590:13 591:8,19 591:21 592:6 594:6 595:7 598:6	598:11 599:11,24 601:1,5,25 608:14 612:23 613:8,10 613:12 615:20 616:15,24 619:19 619:22 623:8 624:7 626:10,11 627:22 628:13 632:13,14 633:3 633:16,19 637:11 640:18 644:7 647:19 650:14 652:13,23,25 654:3,19 655:6,8 655:14 656:1,6 661:25 665:3 667:14 672:1,8 673:20 674:6,7,20 675:3 677:14,16 682:14,24 683:3 686:19,19 693:10 697:12 702:16 705:13 710:4 714:21,23 715:1 715:14 719:13 <b>thinking</b> 604:2 <b>thinks</b> 578:18 599:25 612:19 <b>third</b> 498:10 531:2 546:17 591:12 609:8 628:23 638:8 649:10 670:6 671:10 682:18 684:12,15 691:6,8 693:5 695:17,20 700:1,4 700:13,16 <b>thought</b> 539:18 559:5,20,20 585:13
---	---	--	--

HIGHLY CONFIDENTIAL

## [thoughts - types]

<b>thoughts</b> 580:6	<b>timeline</b> 524:19	<b>top</b> 582:25 646:10	<b>true</b> 686:19
<b>thread</b> 582:1	530:6 611:10	687:2 691:3	715:19 720:5
585:25 591:21	686:10	695:25	721:12
<b>three</b> 512:24 628:5	<b>timelines</b> 512:11	<b>topic</b> 594:9	<b>trust</b> 663:17,22
629:2 649:5,12	<b>times</b> 561:25	<b>topics</b> 508:11,12	666:4,17,21 667:3
715:6	567:13 661:9	508:14 509:23,25	667:11
<b>tile</b> 515:21	673:13 674:12	534:2,7 592:2	<b>trusted</b> 583:4
<b>time</b> 506:6 510:9	675:10 681:20,23	600:10 607:9	<b>truth</b> 507:22,22,23
510:22 515:7	708:12 712:6	612:3 624:22	606:10 609:23
516:11,19,22	<b>tinder</b> 583:10	640:16 664:16	625:2,23 682:6,8
517:4 527:23	584:18	<b>totality</b> 704:7	682:12
530:7,12 531:4	<b>title</b> 515:25 516:7	<b>track</b> 510:8	<b>truthful</b> 586:18
532:23 543:13	516:11 543:21	581:10 681:13	<b>try</b> 567:15 575:2
544:10,20 545:18	545:10 548:14	682:17 697:15	600:3 618:21
547:12 548:7,12	550:19 556:4	<b>tracked</b> 652:11	627:23 636:17
548:20 551:6,16	557:18 568:21	681:9,9	644:15 703:1
553:18,20 554:23	570:4,6 616:18	<b>tracking</b> 580:23	<b>trying</b> 527:3
555:6 558:20,25	622:21 628:20,21	<b>tracks</b> 697:19	530:25 537:21
559:17 569:11,12	<b>titled</b> 627:11	<b>transcribed</b>	544:12,22 551:7
572:3 574:14	707:12	721:11	551:23 554:14
579:22 581:1	<b>titles</b> 516:13	<b>transcript</b> 720:3	555:24 558:4
583:15 584:5,25	628:19	721:12,14,16	573:20 576:13
585:3,12 586:7,10	<b>today</b> 508:21,25	722:6,8,10,13,13	577:16 579:1
587:14 594:13	513:9,24 514:2,8	722:21 723:2,2	597:22 599:8
598:13 603:22	514:11,20 534:10	<b>transition</b> 531:13	601:10 615:5
610:15 618:18	571:24 572:1	532:6 533:2	620:2,2 644:22
621:13 624:5	580:22 581:2	534:13 536:5,9,10	654:5,5 686:10
627:21 629:10	604:23 615:3	549:5,16,19,21,23	702:18 703:5
632:2,18 635:5	616:13,17 636:6	550:4,12,25	<b>turn</b> 507:9,10,13
662:1,19,23 664:8	641:14 659:3	579:19,23 580:2	535:11
668:16 671:11	661:15,22 665:23	581:1 691:11	<b>two</b> 509:25 555:1
676:17 678:20	679:15 690:19	695:22 700:18	587:3,5 597:23
679:12,14 680:19	707:20 715:11	709:8	631:2 633:22
680:21,24 681:6	719:6	<b>transitioned</b> 555:4	703:25 708:4
681:15 684:12,14	<b>token</b> 602:6	<b>transitioning</b>	710:5 715:5
685:7 702:1 714:1	<b>told</b> 585:21	582:18	<b>type</b> 563:1 617:19
714:3,5,10,21,21	<b>tomatoes</b> 604:20	<b>transitions</b> 550:17	631:8 698:9
716:1 719:23	<b>tool</b> 581:8 697:5,8	<b>treated</b> 719:3	<b>types</b> 522:18
721:6 722:10,18	697:14,19,22,23	<b>treatment</b> 719:8	526:17 538:12
722:24 723:7	<b>tools</b> 554:9	<b>tried</b> 690:18	574:15 575:6
			627:13 673:7,24

HIGHLY CONFIDENTIAL

[types - users]

674:1,22 692:2 695:16 708:16,25 709:2,7,14 <b>typically</b> 519:2 520:8,25 521:22 522:6,25 523:6 524:13 526:13 530:10 531:3 606:14 651:3 660:16	690:3 691:16 699:21 703:6 714:2,3 719:14 <b>understanding</b> 509:22 514:1 516:20 517:9,25 519:6,9 521:3,6,10 525:17,24 528:22 532:2 537:23 540:22 544:10 545:21 546:13,21 546:22 547:11 551:5 553:20 554:16,22 555:6 555:20 558:24 568:5 586:2,5,6,7 586:10,21 587:13 589:8,16,25 590:15 592:25 595:5,9 601:5,19 601:23 605:3,11 606:12,16,16,17 607:13 610:13 611:4 612:14 613:4 614:13,18 619:25 620:1,5 621:11 622:6,19 623:17 625:24 627:2 633:12,19 633:22 637:20 638:2,16 639:18 640:6 642:10 643:9 651:25 654:22 656:3,23 679:15,19 680:12 680:20,23 681:11 682:20 683:13,20 684:3 690:19 695:3 697:18,24 698:10 701:8 702:3 703:19	707:9 713:2 714:7 714:15 716:9,18 717:3,18 718:9 <b>understands</b> 537:22 <b>understood</b> 550:6 655:11 658:11 <b>undertake</b> 639:9 <b>underway</b> 582:20 <b>unidentified</b> 594:23 <b>united</b> 496:1 497:1 <b>universal</b> 656:2 <b>universe</b> 608:19 <b>unlimited</b> 531:7 <b>unmute</b> 507:10 <b>unreasonable</b> 647:13 <b>upcoming</b> 584:23 <b>updated</b> 697:8 <b>updates</b> 510:10 <b>usable</b> 511:7 <b>usage</b> 510:8 605:6 625:17,18 626:1,5 <b>use</b> 516:19 520:22 527:18 546:1 547:3,6 554:6 555:9 558:22 559:13 560:11,14 569:1 572:9,22 575:18 584:21 585:23 586:1,11 586:12,13,15 592:19 593:6 595:16 599:16,21 600:12,16 601:1 626:6 647:14 663:23 692:14 693:9,11,13,19,24 694:7,14 705:5,12 705:19,24 706:3	713:16,23 714:12 716:11,15 <b>useful</b> 529:11 603:11 623:7 <b>user</b> 496:4 497:4 506:10 514:4,4 522:8 524:6,9,10 530:10,16 538:11 546:7 552:25,25 579:2,4,5 602:8 617:10,11 626:17 626:19 666:4 670:6 685:5 698:22 699:9 712:22 713:5,5 716:4,18,21 717:6 717:8,13 718:16 722:4 724:1 <b>user's</b> 545:22 602:6 691:11 698:20,21 700:6 700:18 714:18 717:10,14,20 718:15 <b>users</b> 520:12 521:24 522:3,13 522:15,16,20,23 524:15 526:1 528:24 529:16,20 530:3,7,11,25 536:12 537:12 546:4,19 547:18 547:24 553:3 559:2 591:10 617:16,16,23 618:9 626:4 649:6 651:22 665:13 666:4 671:23 678:19 683:16,17 684:6,6 692:15 695:22 714:6,12
<b>u</b>			
<b>ultimate</b> 554:19 <b>ultimately</b> 544:4 551:4 556:18 557:4 562:1 563:4 566:3 580:10 644:10 646:4 <b>unaware</b> 591:11 <b>uncertain</b> 620:24 <b>unclear</b> 626:17 <b>understand</b> 508:16 510:5 513:14 514:22 532:1,8 533:22 534:19 535:2,3,6 544:13,22 548:8 551:7 553:16 559:8,9 567:15 593:12,14,22 596:4 597:13,22 599:1 600:1 601:10 614:5 620:3 621:13 630:20 631:3 633:2 636:10 637:12 638:25 641:19 643:4 651:21 652:4,16 655:25 656:15 679:11 683:14 685:22 686:10			



HIGHLY CONFIDENTIAL

## [uses - ways]

<b>uses</b> 569:8 578:23 579:11 607:19 626:7 674:13 <b>ussd</b> 673:6	522:7,10,15,18,21 523:5,11,24,25 524:11,24 525:3,9 525:20 526:1 530:11,13,14,25 531:1,11 532:4,18 533:4,9 536:3,12 536:13,25 537:12 537:18,22,24 538:12,12,15 546:18 587:6,16 587:19 588:5 623:13 625:7,16 625:18 626:1,3,4 639:23 640:4,11 640:14 641:1,8 643:7 644:3 645:17 646:17 650:3,9,21 655:16 655:19 656:3,11 656:21 657:5	686:1 695:23 <b>versus</b> 640:4 <b>vf</b> 602:21 <b>vf.pdf.</b> 602:22 <b>video</b> 496:14 497:19 507:9,10 <b>videoconference</b> 496:14 497:19 498:2 499:2 500:2 501:2 502:2 <b>videographer</b> 502:18 506:5,11 526:5,8 536:18,21 569:16,19 634:9 634:11 672:17,20 718:21,24 719:21 <b>view</b> 612:20 <b>violate</b> 712:17 <b>violation</b> 663:22 <b>visitation</b> 523:10 <b>volume</b> 496:17 503:3 506:9 643:21 722:5 724:2 <b>volumes</b> 643:15 681:16	558:10,10,12 567:18 568:23 569:11 573:25 574:11 592:24 593:16 594:4,8 595:12 597:12,18 599:4,6 606:19 609:2 617:24 618:12 631:3,7 634:4,6 645:15 646:16 650:1,19 652:24 661:18 662:1,7,18 698:25 712:19 714:19 717:2 <b>wanted</b> 535:17 671:20 <b>wants</b> 530:10 702:1 715:5 <b>washington</b> 496:23 498:12 <b>way</b> 509:20 518:14 519:4 520:19 530:12 538:21 544:21 545:2 567:16,17 574:9 576:1 580:14,16 582:6,8 583:3 594:2,7 603:7,15 613:3 615:12 625:13 626:16 652:8 654:25 671:21 674:20 677:15 679:16 707:5 714:16 718:12 <b>ways</b> 519:12 520:14 522:21 537:21 554:7 559:21 591:12 630:23 657:11
<b>v</b>			
<b>v1</b> 579:23 582:22 685:9,11,20 <b>v2</b> 544:5 574:23 579:23 582:22 691:12 700:19 <b>v2.0</b> 583:5 586:25 587:10 <b>v2.0.</b> 584:13 <b>v4</b> 531:23 <b>vague</b> 522:24 527:1 529:8 530:18 532:20 533:12 537:2 538:17 539:8,23 576:11 581:6 583:18 584:1 585:9 586:19 588:9 589:20 591:18 592:1 612:5 614:4,22 616:23 618:5 623:15 624:1,23 625:20 626:22 629:21 646:1 654:16 655:5 675:1,18 676:2 679:10 680:14 <b>valid</b> 546:1 547:3 547:5 <b>valuable</b> 520:11 522:14 547:17,23 547:24,24 559:2 607:1,7 <b>value</b> 519:16,24 520:6,15 521:17 521:20,24 522:2,3	522:7,10,15,18,21 523:5,11,24,25 524:11,24 525:3,9 525:20 526:1 530:11,13,14,25 531:1,11 532:4,18 533:4,9 536:3,12 536:13,25 537:12 537:18,22,24 538:12,12,15 546:18 587:6,16 587:19 588:5 623:13 625:7,16 625:18 626:1,3,4 639:23 640:4,11 640:14 641:1,8 643:7 644:3 645:17 646:17 650:3,9,21 655:16 655:19 656:3,11 656:21 657:5 <b>varela</b> 541:4 <b>variable</b> 680:22 <b>variety</b> 531:17 554:7 671:19 <b>various</b> 525:12 538:12 553:5 565:9 585:13,15 612:9 673:12 674:12 681:4 <b>vast</b> 670:4 <b>vc</b> 496:4 497:4 <b>verification</b> 668:21 <b>verified</b> 668:22 <b>veritext</b> 506:12 603:13 722:7,9,11 <b>version</b> 531:19,23 532:13 550:25 577:11 579:20,20 585:16,16 685:17	522:7,10,15,18,21 523:5,11,24,25 524:11,24 525:3,9 525:20 526:1 530:11,13,14,25 531:1,11 532:4,18 533:4,9 536:3,12 536:13,25 537:12 537:18,22,24 538:12,12,15 546:18 587:6,16 587:19 588:5 623:13 625:7,16 625:18 626:1,3,4 639:23 640:4,11 640:14 641:1,8 643:7 644:3 645:17 646:17 650:3,9,21 655:16 655:19 656:3,11 656:21 657:5 <b>varela</b> 541:4 <b>variable</b> 680:22 <b>variety</b> 531:17 554:7 671:19 <b>various</b> 525:12 538:12 553:5 565:9 585:13,15 612:9 673:12 674:12 681:4 <b>vast</b> 670:4 <b>vc</b> 496:4 497:4 <b>verification</b> 668:21 <b>verified</b> 668:22 <b>veritext</b> 506:12 603:13 722:7,9,11 <b>version</b> 531:19,23 532:13 550:25 577:11 579:20,20 585:16,16 685:17	558:10,10,12 567:18 568:23 569:11 573:25 574:11 592:24 593:16 594:4,8 595:12 597:12,18 599:4,6 606:19 609:2 617:24 618:12 631:3,7 634:4,6 645:15 646:16 650:1,19 652:24 661:18 662:1,7,18 698:25 712:19 714:19 717:2 <b>wanted</b> 535:17 671:20 <b>wants</b> 530:10 702:1 715:5 <b>washington</b> 496:23 498:12 <b>way</b> 509:20 518:14 519:4 520:19 530:12 538:21 544:21 545:2 567:16,17 574:9 576:1 580:14,16 582:6,8 583:3 594:2,7 603:7,15 613:3 615:12 625:13 626:16 652:8 654:25 671:21 674:20 677:15 679:16 707:5 714:16 718:12 <b>ways</b> 519:12 520:14 522:21 537:21 554:7 559:21 591:12 630:23 657:11
		<b>w</b>	
		<b>w</b> 498:6 502:7 <b>w3.h</b> 635:18 <b>waiting</b> 543:7 <b>waived</b> 722:23,23 <b>waiving</b> 722:20 <b>walk</b> 648:19 <b>wangdra</b> 501:14 506:22 <b>want</b> 507:11 512:22 523:22 530:11 532:9 533:15,17,24 534:8,12 535:16 537:4 554:6	

HIGHLY CONFIDENTIAL

[ways - yeah]

681:4 702:23 <b>we've</b> 560:6,16 580:8 591:9 613:10 618:16 663:16 668:23 683:19 703:15 704:18 705:9 708:1 <b>weaver</b> 499:6 507:3,5 <b>web</b> 496:14 497:19 498:2 499:2 500:2 501:2 502:2 <b>website</b> 553:7 <b>websites</b> 708:11 <b>week</b> 588:16 <b>weekly</b> 660:19 <b>weeks</b> 508:9 <b>weigh</b> 535:17 <b>went</b> 511:24 562:3 621:23 651:13 685:24 <b>whereof</b> 721:20 <b>whitelist</b> 540:17 563:2 564:6,10 574:6,9 580:1 581:12 583:9,16 583:20 584:18 585:19 605:8 633:1,5,24 658:8 659:6 <b>whitelisted</b> 563:6 564:20 565:4,12 574:23 577:13 584:7 633:6,11,23 684:13,14 696:1 <b>whitelisting</b> 509:20 510:16,23 562:10,15,18 564:3,13 571:20 571:25 572:5	577:5 579:21 580:16,24 634:6 659:20 664:25 <b>whitelists</b> 511:14 545:6 552:3 555:11 570:10,24 571:2,10 573:23 581:9 584:19 585:1,13,14,20,23 586:8 605:6 610:22 633:11 690:11 <b>wide</b> 537:16 538:10 552:20 553:13 576:4 <b>wider</b> 605:18 <b>widespread</b> 626:6 <b>window</b> 680:19 <b>witness</b> 506:13 535:18 569:12 593:18 594:24,24 595:17,19,23 596:1,5 597:6 606:2 627:19 639:16 667:5 719:4 721:20 722:13,16 723:2,5 724:24 <b>wonderful</b> 596:19 <b>wondering</b> 529:20 541:23 <b>word</b> 512:14 515:20 554:7 556:5 665:4 669:19 687:18 703:9 <b>words</b> 567:7 710:14 <b>work</b> 509:17 510:7 510:11 514:16,24 517:10,11 518:2	518:22 527:6 531:22 542:17 590:15 651:7 663:16 664:8 698:24 708:3 <b>worked</b> 515:21 517:3,9 518:12,16 518:18 519:22 525:25 527:10 544:15 589:23 593:23 601:20 682:13 714:16 717:4 718:10,12 718:13 <b>working</b> 518:1 519:3 520:9 521:23 522:6 527:12 530:23 531:3 549:17 588:16 675:7 <b>works</b> 600:2 <b>workstream</b> 557:19 558:9,11 558:12,20 559:9 565:22 568:14,18 568:20,24 570:5 570:14,17,20 571:13 572:17,21 580:7 <b>workstreams</b> 550:20,24 556:4,6 556:8,9,14,23 580:9 <b>world</b> 555:25 <b>worth</b> 531:9 558:16 627:4 645:17 646:18 650:3,9,21 <b>worthwhile</b> 524:4 <b>worthy</b> 655:11	<b>wrap</b> 715:11 <b>wrapped</b> 514:20 <b>wright</b> 498:8 507:2 <b>write</b> 552:23 593:19,25 646:22 652:25 655:24 <b>writes</b> 586:24 588:15 604:1 608:6 620:20 671:8 676:15 707:20 708:2 712:14 715:16 <b>writing</b> 554:17 555:20 654:20 <b>written</b> 545:17 547:9,12,12 548:23 558:8 562:17 563:22 566:2 592:23 593:2 605:2 707:15 710:14 718:5 <b>wrong</b> 531:18 554:6 627:13 <b>wrote</b> 547:5 569:6 <b>ws3.h</b> 635:16,18 <b>ws3.j</b> 504:18 636:20
<b>x</b>			
<b>x</b> 503:8 504:1 505:1 721:16 723:1 <b>xfn</b> 638:7			
<b>y</b>			
<b>yahoo</b> 708:7 <b>yandex</b> 604:20 <b>yeah</b> 512:8 513:11 514:15,22 520:1 521:10 522:5,25			

HIGHLY CONFIDENTIAL

**[yeah - zoom]**

523:14 525:1	573:20 585:18
527:2,22,25	589:6 591:21
530:20 531:16	624:10
532:11,21 533:13	<b>yep</b> 587:5
537:3 538:2	<b>york</b> 708:12 712:6
539:10 549:20	<b>yup</b> 542:15 551:15
556:6 561:4,8	561:12 570:6
569:12 571:15	620:19 628:8
573:3,7 576:12	643:24 645:12
581:7,21 586:1	<b>z</b>
592:4 593:19	<b>zero</b> 631:7
594:10 595:3,18	<b>zoom</b> 496:12
596:20 597:5	
598:3,20 599:2,3	
599:17 600:24	
601:18 602:24	
603:4 606:7 608:2	
609:7 610:4	
611:17 612:7,8,17	
613:21 614:11,11	
614:24 616:20,24	
619:4 621:2 624:2	
626:13 628:17	
629:6,17 630:19	
631:24 633:6	
636:25,25 639:16	
642:20 643:18	
645:6 646:21	
647:12 649:3	
657:18 658:2	
660:13 661:20,23	
663:1 665:9,18	
669:9 675:2,17	
676:1,25 684:18	
692:5,8 700:12	
702:16 707:18	
708:14 710:3	
718:3	
<b>year</b> 566:5	
<b>years</b> 545:17	
546:14,23 551:23	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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